

# **CITY OF BREMEN GEORGIA**

# **ZONING ORDINANCE**

Adopted: 12/8/2003  
Amended: 12/12/2005  
Amended: 8/14/2006  
Amended: 11/21/2006  
Amended: 7/9/2007  
Amended: 8/13/2007

**December 2003**

# **THE ZONING ORDINANCE OF THE CITY OF BREMEN, GEORGIA**

WHEREAS, the Bremen Mayor and City Council on December 8, 2003 held a duly advertised public hearing on the adoption of the proposed zoning ordinance and zoning map;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Bremen adopts the recommended zoning ordinance entitled "Zoning Ordinance of the City of Bremen, Georgia" and incorporates by reference into the Zoning Ordinance of Bremen the Zoning Map of the City of Bremen 2003. This ordinance replaces and supersedes all previous Zoning Ordinances of the City and all previous amendments thereto.

Date of Adoption: December 8, 2003.

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Beverly Cash  
City Clerk

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Sharon Sewell  
Mayor  
City of Bremen, Georgia

## ZONING ORDINANCE

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# **THE ZONING ORDINANCE OF THE CITY OF BREMEN, GEORGIA**

AN ORDINANCE OF THE CITY OF BREMEN, GEORGIA REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR RESIDENCE, TRADE, INDUSTRY, AND OTHER PURPOSES: THE HEIGHT AND SIZE OF BUILDINGS AND OTHER STRUCTURES: THE SIZE OF YARDS: AND THE DENSITY OF POPULATION: CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF: DEFINING CERTAIN TERMS USED HEREIN: PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT: PROVIDING FOR APPEALS PROCEDURES: PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF PROVISIONS OF THIS ORDINANCE: PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES.

## **ARTICLE I**

### **PREAMBLE AND ENACTMENT CLAUSE**

In pursuance of authority conferred by the State of Georgia, and for the purposes of promoting the health, safety, morals, convenience, order, prosperity, or general welfare of the municipality; promoting desirable living conditions and the sustained stability of neighborhoods; protecting property against blight and depreciation; securing economy in government expenditures; lessening congestion in the streets; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks, specifying the zones in which adult entertainment establishments may be located, and other public requirements; protecting the value of existing properties; by promoting the most appropriate use of land, buildings, and structures throughout the municipality; all in accordance with a comprehensive plan, the Mayor and City Council of the City of Bremen does ordain and enact into law the following articles and sections.

## **ARTICLE II**

### **SHORT TITLE**

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Bremen, Georgia."

## ARTICLE III

### DEFINITIONS

Section 300. Interpretation of Certain Terms and Words. Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purposes of this Ordinance, certain words or terms used herein shall be defined as follows:

1. Words used in the singular include the plural and words used in the plural include the singular.
2. Words used in the present tense include the future tense.
3. The word "building" includes the word "structure".
4. The word "erected" includes the words "constructed", "moved", "located" or "relocated".
5. The word "lot" includes the word "plot" or "parcel".
6. The word "map" or "zoning map" means the Zoning Map of the City of Bremen, Georgia.
7. The word "person" includes the words "individuals", "firms", "partnerships", "corporations", "associations", "governmental bodies" and all other legal entities.
8. The word "shall" is always mandatory and never discretionary.
9. The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied".

#### Section 301. Definitions.

1. Acceleration/Deceleration Lane. One or more paved traffic lanes traversing the frontage of a property for the purpose of allowing traffic to accelerate or decelerate outside of higher speed traffic lanes.
2. Access. The ability and right to enter a property.
3. Accessory Structure. A structure on the same lot with, and of a size and nature customarily incidental and subordinate to, the principal structure. Types of accessory structures include, but are not limited to, the following:
  - Detached garage and/or carport
  - Storage buildings and/or barns
  - Free standing greenhouses
  - Swimming pools and pool houses
  - Tennis courts
  - Satellite dish antennas (subject to Federal Regulations)
  - Freestanding workshops
  - Gazebos

- Radio and/or TV antenna structures not attached to the principal structure
- Paved areas other than driveways and walkways
- Property identification signs not associated with or attached to a mailbox
- Perimeter fencing and/or walls (both of which may be located on the property line.
- Guest House

4. Adult Establishment or Adult Entertainment Establishment. A facility or use authorized in specific Zoning Districts where adult entertainment activities may be conducted, while balancing the competing interests of reducing criminal activity and protecting neighborhoods. Adult establishments shall include the following:

- a. Adult bookstore: An establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five (5) percent or more of its total inventory consisting of printed material which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- b. Adult business: Either:
  - (1) Any business other than those expressly specified in this Article, where employees or patrons expose specified anatomical areas or engage in specified sexual activities; or
  - (2) Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to specified sexual activities or specified anatomical areas.
- c. Adult dancing establishment: A business that features dancers displaying or exposing specified anatomical areas.
- d. Adult motion picture theater: An enclosed building with a capacity of 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical area for observation by patrons therein.
- e. Adult picture theater: An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

- f. Adult motion picture arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are depicting or describing specified sexual activities or specified anatomical areas.
- g. Adult motel or hotel: A motel or hotel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- h. Adult video store: Any establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent (5%) of its total floor space, devoted to the sale or display of such material or which derives more than five percent (5%) of its net sales from videos which are characterized or distinguished or relating to specified sexual activities or specified anatomical areas.
- i. Erotic dance establishment: A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- j. Encounter center or rap establishment: Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons may congregate, assemble or associate for the primary purpose of engaging in, describing or discussing specified sexual activities, or exposing specified anatomical areas.
- k. Escort bureau: Introduction services: Any business, agency or person who, for a fee, commission, hire, reward or profit furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons who may accompany other persons to or about social affairs, entertainments or places of amusement or who may consort with others about any place of public resort or within any private quarters.
- l. Specified sexual activities: Shall include any of the following:
  - (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of sexual relations, and any of the following sexually oriented acts or conduct: aniligus, buggery, coprophagy, coprophilia, cunnilingus,

fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
- (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
- (5) Masochism, erotic or sexually oriented torture, beating or the inflicting of pain; or
- (6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

m. Specified anatomical areas: Shall include any of the following:

- (1) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola; or
- (2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

5. Advertising Sign. Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising goods or services available at the property on which the sign is located.
6. Alley. A private or public thoroughfare which affords a secondary means of access to abutting property and not intended for general traffic circulation.
7. Apartment. A room or suite of rooms used as a dwelling for one family which does its cooking therein.
8. Basement. A building story constructed partially below the average level of the adjoining ground.
9. Bed and Breakfast Facility. See Residential Bed and Breakfast.
10. Billboard. Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising goods or services which are not available at the property on which the sign is located.
11. Board. The Board of Development Appeals of the City of Bremen.

12. Boarding or Rooming House. A building other than a motel or hotel, where for compensation or by pre-arrangement for a definite period, meals or lodging and meals are provided for five or more persons not related by blood or marriage, not to exceed twenty persons.
13. Buffer Zone, Buffer Easement, or Buffer: That portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate multifamily and mobile home residential districts from single family residential districts, and to separate residential zoning districts from other zoning districts. In the event that insufficient existing vegetation or trees exist in the buffer zone, planting, fencing or other supplemental screening may be required, with a density, or opacity to accomplish buffering as required by this Ordinance. Roads, parking areas, above ground storm water retention facilities, recreational facilities, or other above ground construction shall not be permitted within the required buffer area. Public right-of-ways and utility easements shall not be considered as part of the buffer area.
14. Buildable Area. The portion of a lot remaining after required yards have been provided and areas subject to flooding during the 100 year storm event have been deducted.
15. Building. Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.
16. Building Line or Building Setback Line. A line established in general, parallel to the front street line, between which line and the street no part of a building shall project.
17. Business Sign. An identification sign containing only the name or names of the businesses located on the same premises.
18. Camping Trailer. A vehicular structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is not more than 102 inches in body width, is less than four thousand five hundred (4,500) pounds in gross weight, and does not exceed thirty-five (35) feet in length.
19. Care Home (Also see Personal Care Home). An orphanage, rest home, assisted living facility, nursing home, boarding home for the aged or similar use established to render long term domiciliary care, but not including facilities for the care of mental patients, epileptics, alcoholics, drug addicts, and not including nursery schools.
20. Church or Other Place of Worship. A building either used for or intended to be used for public worship including temples, synagogues and related Sunday School or Church school facilities.
21. Central City Residential. Any residential use located within the Central Business District.
22. Certificate of Occupancy. A permit authorized and issued by the Planning Administrator indicating that the use or the building or land in question is in

conformity with this Ordinance, or that a legal variance therefrom has been approved.

23. City. The City of Bremen, Georgia.
24. City Manager. The Chief Administrative Officer of the City, as appointed by the Mayor and City Council, and/or his authorized representative.
25. Club. A building owned, leased, or hired by an association of persons, who are bona fide members paying dues; the use of which is restricted to the members and their guests. The serving and selling of food and beverages may be permitted, providing that adequate kitchen and restroom facilities are available and that such sales are in accordance with federal, state, and local laws.
26. Cluster Homes. A group of single-family or multifamily housing units sharing common open space in an approved Planned Unit Residential Development.
27. Commission. The Planning and Zoning Commission of the City.
28. Conditional Use, Conditional Zoning, or Conditional Development. A use, zoning, or development which is permitted by special approval of the Planning and Zoning Commission upon findings that, under the specific circumstances present or proposed, such use is in harmony with the uses permitted in the District.
29. Condominium. A multifamily dwelling in which each resident has exclusive fee simple title and ownership in his individual dwelling unit while retaining an interest in the common facilities and areas of the building and grounds which are used by all the residents of the condominium.
30. Convalescent Home. A building or portion thereof, not including a hospital, medical clinic, or nursing home, where for compensation, two or more persons not directly related to the owner, are provided temporary food, sleeping accommodations, personal care, and physical assistance in regaining their health or strength following an illness or injury.
31. Convenience Store. A small retail outlet which offers commonly needed food and staples, including gasoline and oil, normally through extended hours of operation.
32. Council. The Mayor and City Council of the City of Bremen, Georgia.
33. Curb Cut. The providing of ingress and/or egress between property and an abutting public street.
34. Customary Home Occupation. Any use conducted entirely within a dwelling by the residents thereof, which is secondary to the use of the dwelling for residential purposes.

35. Day Care Facility. Any building used routinely for the daytime care or education of five or more persons excluding the children or legal wards of the attendant adult, and including all accessory and activity areas.
36. Dormitory. A building in which lodging or boarding and lodging are provided for more than five people not of the same family unit, for compensation and not necessarily open to the public.
37. Drive-in or Drive-through Restaurant. Any place or premises used for the sale, dispensing, or service of food, refreshments, or beverages in automobiles, including those establishments where customers may eat or drink on the premises.
38. Duplex. A single story residential structure designed for two-family occupancy with each family in a separate dwelling unit.
39. Dwelling. A building or portion thereof, designed, arranged, or used for residential occupancy, but not including hotels or motels.
40. Dwelling, Multifamily. A building either designed, constructed, altered, or used for more than two adjoining dwelling units, with each dwelling unit having a party wall or party floor-ceiling connecting it to at least one other dwelling unit in the building.
41. Dwelling Unit. One or more rooms, including kitchen and toilet facilities, designed for the occupancy, cooking and sleeping of one or more persons living as a family.
42. Family. Two or more persons occupying a single dwelling unit where all members are related by blood, marriage, adoption, or are in foster care. No single dwelling unit located in R-20, R-15, and R-12 (Single-Family Residential) zoning districts shall have more than two unrelated individuals residing therein, nor shall any "family" have, additionally, more than two unrelated individuals residing with such family. When the single dwelling unit is located in any residential zoning district other than R-20, R-15, and R-12 districts, one of the following is permitted:
- (1) Family related by blood, marriage, adoption, or foster care may have two additional unrelated individuals, or
  - (2) Unrelated individuals not exceeding four.

In all cases, household employees employed on the premises may be housed on the premises without being counted as a separate family or unrelated individuals. The term "family" does not include any organization or institutional group.

Any non-conforming use created by the adoption of this definition of "family" shall be permitted to continue for a period of one year from the date of adoption. After which period, the use of such dwelling(s) shall be in compliance herewith.

43. Flood Plain: That area subject to periodic flooding up to the contour elevation of the 100 year recurrence interval storm event.

44. Floor Area. The floor area of a dwelling is the gross horizontal area (as measured by exterior walls) of the several floors of a residential structure, exclusive of garage, carport, unfinished basement, unfinished attic and open porches.
45. Fraternity. An organization of male college students joined together by common interests for fellowship.
46. Frontage. The length of the front lot line.
47. Garage. An accessory building or portion of a principal building used primarily for vehicle storage.
48. Gasoline Service Station. Buildings and premises wherein a primary use is the supply and dispensation at retail of gasoline, diesel fuel, oil, grease, batteries, tires and motor vehicle accessories, and where minor repair services may be provided.
49. Guest House Facility. Living quarters situated within an attached or detached accessory building located on the same premises as the principal building. A detached guest house facility must be connected to the main house through some covered or uncovered walkway. Such quarters shall be used only by bona fide nonpaying guests or relatives of the owners of the principal building and shall not be rented or otherwise occupied as a separate dwelling. In certain zoning districts, a guest house may be permitted as the principal building on a zoning lot, but on the same conditions as stated above.
50. Height of Building. The vertical distance measured from the mean finished ground level at the front of the building to the highest point of the roof or parapet.
51. Home Occupation. See "Customary Home Occupation".
52. Hospital. Any institution receiving inpatients, or a public institution receiving outpatients, and authorized under Georgia Law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium for the treatment and care of senile patients, psychotics, or drug addicts, but shall not include office facilities for the private practice of medicine or dentistry.
53. Hotel. A building in which lodging or boarding and lodging are provided for more than twenty persons and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment.
54. Junk Yard. Property used for indoor or outdoor storage, keeping or abandonment, whether or not for sale or resale, of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment; or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. An automobile is considered abandoned when a current license tag is absent.

55. Kennel. Facility for the boarding (overnight) of two or more dogs, or other domestic animals for the purpose of providing an income or revenue.
56. Kindergarten. A State approved institution for the education of more than four preschool aged children.
57. Livestock. Domestic animals, including cows, sheep, goats, pigs, horses, poultry, and the like, normally kept for use on a farm or raised for sale or profit.
58. Loading Space. Off-street vehicle parking space reserved for bulk pickups and deliveries.
59. Lot. A developed or undeveloped tract of land in one ownership, legally transferable as a single unit of land.
60. Lot of Record. A plot or tract of land appearing on a plat recorded in the Public Deed Records in the office of the Clerk of Carroll Superior Court at the time of the enactment or amendment of this Ordinance.
61. Lot, Through. A lot having frontage on two streets that are approximately parallel.
62. Lot, Depth. The mean horizontal distance between the front and rear lot lines, measured generally perpendicular to the front lot line.
63. Lot, Width. The horizontal distance between the side lines of a lot measured at the front building line.
64. Mini Warehouse. A commercial storage warehouse subdivided into individual storage bays each having a separate outside entrance, with individual bays offered for lease to the public.
65. Mobile Home. A structure designed as a moveable dwelling; built upon its own permanent chassis; transported on its own chassis (normally by towing) in one or more sections; occupied with or without a foundation; and containing within all the normal utility systems (plumbing, electrical, heating, and cooling). Removal of the wheels and placement on a foundation does not change its classification. Travel trailers are not Mobile Homes.
  - a. Single Wide Mobile Home: A mobile home constructed and transported as a single unit.
  - b. Double Wide Mobile Home: A mobile home constructed and transported in more than one unit, and which must be joined at the site of placement into a single whole.
66. Mobile Home Lot. A parcel of land for the exclusive use of the occupants of a single mobile home.

67. Mobile Home Park. A parcel of land that has been planned and improved for the placement of four or more mobile homes for permanent or semi-permanent use. Pads within a mobile home park remain the property of the park owner and are rented to tenants. A mobile home park does not include the provision of space for storage, inspection, or sale of unoccupied mobile homes.
68. Mobile Home Subdivision. A tract of land planned and improved for the placement of four or more mobile homes for permanent use on individually owned private lots.
69. Modular Home. A modular home is a factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes.
70. Motel. A building or group of buildings where lodging is provided for more than ten persons and offered to the public for compensation and in which ingress and egress to and from all rooms are made through private entrances. No more than ten percent (10%) of the rooms or suites may contain kitchen or cooking facilities.
71. Non-Conforming Use. Any building or land lawfully occupied at the time of passage or amendment of this Ordinance which does not conform, after the passage or amendment of this Ordinance, with the use regulations of the district in which it is located.
72. Nursery. A building or lot, or portion thereof, used for the commercial cultivation or growing of plants, and including all accessory buildings.
73. Nursery School. Any building used routinely for the daytime care or education of five or more preschool age children excluding the children or legal wards of the attendant adult, and including all accessory and play areas.
74. Nursing Home. A home for the aged, chronically ill, or incurable persons who are unable to care for themselves and in which three or more persons not of the immediate family are kept or provided with food, shelter and care for compensation.
75. Overlay Zone. A special purpose zoning classification to supplement, but not change the regulations of the current zoning districts (called the "underlying zone") in an effort to protect and promote public/private investment.
76. Parking Space. Off-street parking space consists of space adequate for parking a vehicle with room for opening doors on both sides, maneuvering room, and access to a public street.
77. Planning Commission. See Commission.
78. Principal Building. The building containing or to contain the principal use of a lot.
80. Principal Use. The principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

81. Private Deed Restrictions or Covenants. Private deed restrictions or covenants are imposed on land by private land owners. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by the city or other public agency.
82. Public Street. Right-of-way dedicated to the City or owned by the City for public purposes.
83. Residential Bed and Breakfast Facility. A residential Bed and Breakfast is defined as a structure occupied by its owner(s) of record, wherein lodging is provided to guests for compensation. The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator(s) and said operator(s) shall live in the structure when the Bed and Breakfast is in operation.
84. Retirement Home. See Care Home.
85. Rooming House. See Boarding House.
86. Row House. A multifamily dwelling unit in which each family has a private entrance.
87. Service Station. A building or premises where products necessary for automobile service or maintenance are sold and/or where such maintenance services are rendered, but excluding body shops.
88. Setback Line. The minimum required distance from the street right-of-way line or any other property line that the principal building must observe.
89. Shopping Center. Two or more commercial establishments planned and managed as a single unit with off-street parking and loading facilities provided on the property.
90. Sign, Outdoor Advertising. An attached or freestanding sign that directs attention to a business, commodity or service not normally available on the premises on which the sign is located.
91. Sorority. An organization of college women joined together by common interests for fellowship.
92. Special Exception. A land or structure use that would not normally be permitted without restriction throughout the zoning district, but which with proper controls would promote the public health, safety, or general welfare. Such uses may be permitted as special exceptions after presented in a public hearing and approved by the Planning and Zoning Commission. Once granted, the special exception will remain valid until the use has been abandoned or the property has remained vacant for a six-month period.
93. Specialty Service Restaurant. Any public place kept, used, maintained, advertised and held out to the public as a place where meals are regularly served in a dining room. Such a restaurant shall maintain and provide an adequate and

sanitary kitchen and dining room equipment to prepare, cook, and serve food to its guests. Specifically excluded shall be drive-in, carry out, fast-food establishments, short order diners, and cafeterias or any such business which as a part of normal (routine) operating procedure requires waiting in line to order food. Customers are to be seated and served by employees of the establishment and the menu should primarily consist of cooked to order items rather than prepared dishes. Such facility may not provide sleeping accommodations.

94. Street. A public way for vehicular traffic which affords the principal means of access to abutting property. Streets are classified as "Minor", "Collector" and "Major" and designated as such on the Zoning Map.
95. Structure. Anything constructed or erected on the ground or attached to something on the ground, with the exception of fences and walls.
96. Subdivision. A tract of land which has been divided into two or more lots, all fronting on a public street, and offered for sale as individual lots.
97. Tourist Home. A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty individuals and open to transient guests.
98. Townhouse. A townhouse is a multi-living unit structure in which each living unit and lot is owned fee simple and generally occupied by the owner. Individual dwelling units within a townhouse are separated by a firewall.
99. Trailer. A vehicle; including a motor home, designed and/or maintained for use as a temporary dwelling or sleeping place, for travel or recreational purposes, having no foundation other than wheels or jacks.
100. Trailer Park. A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes, or temporary parking of any other recreational vehicle.
101. Underlying Zone. The designated zoning districts which are established on the official zoning map. Regulations of these zoning districts may be supplemented when an "overlay zone" is applied to these zoning districts.
102. Variance. A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not as a result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.
103. Yard. An open space on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein. Yard areas do not include required buffer zones.
104. Yard, Front. An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the nearest street

right-of-way line and the front line of the building projected to the side lines of the lot.

105. Yard, Rear. An open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the width of the lot and located between the rear line of the lot and rear line of the building or use projected to the side lines of the lot.
106. Yard, Side. An open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.
107. Zoning District. An area established in the Zoning Ordinance, and delineated on the Zoning Map, in which certain uses are permitted, and in which other uses are prohibited.
108. Zoning Lot. A tract of land, or a portion of a tract, all of which lies within one Zoning District, and which may be developed or used for purposes consistent with those permitted in that District, and which may be developed or used for purposes consistent with those permitted in that District. A Zoning Lot may or may not coincide with platted lot line.
109. Zoning Ordinance. The Zoning Ordinance of the City of Bremen, Georgia.
110. Recreational Vehicle. A manufactured camper, camp trailer, travel trailer, motor home, trailer bus, trailer coach or similar vehicle, with or without motive power, designed for human habitation for recreational or emergency occupancy. Where a recreational vehicle is on or attached to a trailer used to carry or tow said vehicle, they shall together be considered one recreational vehicle. A recreational vehicle shall not include a pickup truck used for transportation to which a camper shell has been attached.

## **ARTICLE IV**

### **ZONING DISTRICTS**

Section 400. District Designations. For the purposes of this Ordinance, the City is divided into Zoning Districts as follows:

- ER Estate Residential District with minimum three acre lots.
- R-20 Single-Family Residential District with minimum twenty thousand (20,000) square foot lots.
- R-15 Single-Family Residential District with minimum fifteen thousand (15,000) square foot lots.

- R-12 Single-Family Residential District with minimum twelve thousand (12,000) square foot lots.
- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- R-4 Mobile Home Residential District
- R-5 Specified Commercial, Office, Neighborhood District
- O-I Office-Institutional District
- HS Hospital Service District
- C-1 Central Business District
- C-2 Neighborhood and Highway Service Business District
- M-1 Light Industry District
- M-2 Heavy Industry District
- FH Flood Hazard District

Section 401. Location and Boundaries of Zoning Districts. The location and boundaries of the Zoning Districts are hereby established as shown on the Map entitled, "Zoning Map of the City of Bremen, Georgia" and certified by the City Clerk which is hereby made a part of this Ordinance, which may be amended from time to time, and which shall be kept on file at the City Hall where it shall be available for public inspection. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be published, the Official Zoning Map located in City Hall shall be the final authority as to the current zoning status of the City.

Section 402. Interpretations of Zoning District Boundaries. Where uncertainty exists with respect to the location of the boundaries of any zoning district shown on the Zoning Map of the City of Bremen, Georgia, the following rules shall apply:

1. Where a zoning district boundary is shown on the Zoning Map as approximately following a corporate limits lines, stream bed, lot line or the center line of a street, highway, railroad right-of-way or such lines extended, then such lines shall be construed to be the district boundary line.
2. Where a zoning district boundary line is shown on the Zoning Map as being set back from a street, highway, or railroad right-of-way, and approximately parallel thereto, then such district boundary line, unless otherwise specifically indicated, shall be construed as being at the scaled distance from the center line of such street, highway or railroad right-of-way and as being parallel thereto.

3. Where a zoning district line divides a lot, the requirements for the district in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of a lot that lies more than fifty feet beyond the district boundary line. In the case of a through lot, fronting on two approximately parallel streets, that is divided by a district boundary line paralleling the streets, the restrictions of the district in which each frontage of the through lot lies shall apply to that portion of the through lot.
4. The zoning district lines for the Flood Hazard district generally follow the contours of the land along the flood plain. Minimum flood level elevations are recorded at periodic intervals along the Flood Hazard district lines. At intermediate points, interpolation between the recorded even foot elevations will be used to establish the minimum flood level. All elevations are based upon the U.S. Geological Survey datum.
5. Where district boundaries are in doubt, the Planning Commission shall make such interpretations

Section 403. Uses Not Listed. For any use not listed in this Ordinance, the Planning and Zoning Commission shall determine the proper requirements by classifying the proposed use among the uses which are listed and assigning the use to appropriate Zoning District, which may be reviewed by the Mayor and City Council pursuant to Article XVI.

Uses permitted in each district are specifically listed. Higher uses, or uses allowed in a more restrictive district are not automatically allowed in a lower use district.

Section 404. Classification of Streets. For the purpose of this Ordinance, all of the streets, roads and highways in the City are classified as Major Streets, Collector Streets, or Minor Streets as follows:

1. Major Streets: Thoroughfares designed and used for high traffic volumes and cross-town traffic movement. Major Streets include the following:
  - a. Highway 27, 27Business
  - b. Highway 78
2. Collector Streets: Thoroughfares designed for moderate traffic volumes, generally having right-of-way over intersecting minor streets. Collector Streets include the following:
  - a. Buchanan Street
  - b. Georgia Avenue South
  - c. McPherson Street
  - d. Waddell Street
3. Minor Streets: A street designed and used primarily for low traffic volumes and access to individual lots. All thoroughfares not classified as either Major Streets or Collector Streets are classified as Minor Streets.

Section 405. Watershed Protection Restrictions. Certain lands within the City have been identified as lying within the boundaries of watershed protection areas. Additional and/or more restrictive development and use restrictions are imposed in such areas in accordance with the "Watershed Protection Ordinance" of the City.

## **ARTICLE V**

### **USE PROVISIONS**

Section 500. All Residential Districts. The following uses are permitted in all Residential Districts:

1. Single-family residences, except manufactured homes and modular homes.
2. Customary accessory buildings and uses, so that the combined total of all accessory structures does not exceed the size of the principal building, including:
  - a. Private detached parking garages, storage buildings, and workshops.
    - (1) For lots less than one and a half (1.5) acres, a maximum of two per lot. Each can have a maximum size of 500 square feet or 2% of the total size of the lot, whichever is greater. The total size of the two units combined can be no greater than 750 square feet or 3% of the total size of the lot, whichever is greater.
    - (2) For lots less than three (3) acres and greater than one and a half (1.5) acres, a maximum of three per lot. Each building can have a maximum size of 500 square feet or 2% of the total size of the lot, whichever is greater. The total size of the three units combined can be no greater than 3% of the total size of the lot.
    - (3) For lots greater than three (3) acres, a maximum of four per lot. Each can have a maximum size of 500 square feet or 2% of the total size of the lot, whichever is greater. The total size of the four units combined can be no greater than 3% of the total size of the lot.
  - b. Private swimming pools and associated bath houses and pump houses.
  - c. The storage of a total of not more than two of the following in side or rear yards only:
    - (1) Pleasure boats
    - (2) Unoccupied camper trailers
    - (3) Motor homes
    - (4) Recreational Vehicles

- (5) Or other auxiliary vehicles, towed vehicles or trailers of similar size and potential to obstruct views or be detrimental to the environment.
  - e. Fences and walls in side and rear yards and ornamental fences in front yards.
  - f. Guest House, a maximum of one per lot, provided that the principal building is occupied by an owner. Can be a maximum of 500 square feet or 2% of the total size of the lot, whichever is greater.
3. Customary Home Occupations
4. Churches, provided that:
- a. They are located on a major or collector street.
  - b. The buildings are not less than fifty feet from any property line.
  - c. A buffer strip of at least ten feet wide and planted with evergreen trees and shrubs that provide an effective visual screen is provided along side and rear property lines which abut residential property.
5. Public and semipublic playgrounds, parks, lakes, and buildings, operated on a nonprofit basis for recreational and public community purposes only.
6. Public and private golf clubs and golf courses.
7. Agriculture and horticulture including private use greenhouses, except the raising of livestock or poultry, provided that no noises or odors are produced which are objectionable at the property line.
8. Public and private schools offering general education courses provided that:
- a. The buildings are not less than fifty feet from any property line;
  - b. A buffer strip at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that provide an effective visual screen.
9. Accessory signs of the type listed below:
- a. Institutional identification signs not exceeding two (2) square feet in area.
  - b. One sign not exceeding three (3) square feet in area advertising the sale, lease, or rental of the premises on which it is located.
10. Utility structures such as electric transformer stations, gas regulator stations, water and wastewater pumping stations, water tanks, and storm water retention facilities, provided such facilities comply with the following requirements:

- a. Any building or structure, except a surrounding fence, shall be set back at least 15 feet from any property line.
  - b. The facility shall be completely surrounded by a woven wire fence at least 8 feet high.
  - c. The facility shall be furnished with a planted buffer not less than 10 feet wide to create an effective visual screen on all sides bordering residential property.
  - d. The facility may not be used for office space, storage space, or for the storage of vehicles or equipment.
11. Subdivision Identification signs located at the principal entrance to a subdivision, in compliance with the City Sign Ordinance.

Section 501. Estate Residential (ER) District. The ER district is intended for low density residential purposes where agricultural type conditional uses would be expected. The regulations for this district are designed to encourage one-family dwellings situated on lots having an area of three (3) acres or more with provisions for limited agricultural activities.

In the ER district the following uses are permitted:

- 1. Single-family residential, except manufactured homes and modular homes, with a minimum lot size of three (3) acres and yard, setback, dwelling size and height requirements specified in Article VI. A guest house facility as defined by the Zoning Ordinance is an allowable use in conjunction with the single-family residence.
- 2. All uses permitted in Section 500 for all residential districts.
- 3. Noncommercial Horticultural or Agricultural uses, including:
  - a. Field crops.
  - b. Livestock and riding stables provided that:
    - (1) No poultry or livestock shall be maintained within 50 feet of the property line of any adjoining residential zoning lot, excluding lots that are zoned ER, Estate Residential.
    - (2) No building used for animals shall be constructed within 200 feet of any property line.
    - (3) At least one and a half acres of fenced area shall be provided for each animal, not including household pets, to be maintained on the zoning lot.
  - c. Orchards and forests.

Section 502. Single-Family Residential District (R-20). The R-20 residential district includes existing low density single family residential areas and vacant or open areas where single family residential development appears likely to occur. The regulations for this district are designed to encourage low density, one-family residential development.

In the R-20 residential district, the following uses are permitted:

1. Single-family residences with a minimum lot size of twenty-thousand (20,000) square feet and yard, setback, dwelling size and height requirements as specified in Article VI.
2. All uses permitted under Section 500 for all Residential Districts.

Section 503. Single-Family Residential District (R-15). The R-15 residential district includes existing low density single-family residential areas and vacant or open areas where single-family residential development appears likely to occur on smaller parcels. The regulations for this district are designed to encourage low density, one-family residential development.

In the R-15 residential district, the following uses are permitted:

1. Single-family residences with a minimum lot size of fifteen thousand (15,000) square feet and yard, setback, dwelling size, and height requirements as specified in Article VI.
2. All uses permitted under Section 500 for All Residential Districts.

Section 504. Single-Family Residential District (R-12). The R-12 residential district includes existing low density single-family residential areas and vacant or open areas where single-family residential development appears likely to occur on smaller parcels. The regulations for this district are designed to encourage low density, one-family residential development.

In the R-12 residential district, the following uses are permitted:

1. Single-family residences with a minimum lot size of twelve thousand (12,000) square feet, and yard, setback, dwelling size, and height requirements as specified in Article VI.
2. All uses permitted under Section 500 for All Residential Districts.

Section 505. Low Density Residential District (R-1). The R-1 residential district includes area of low density residential development. The regulations for this district are designed to take advantage of the greater economy and convenience afforded by more intensive development but still retain some of the open aspects of a detached dwelling unit district.

In the R-1 residential district, the following uses are permitted:

1. Any use permitted in the R-12 district.
2. Duplexes and townhouses with lot size, yard, setback, dwelling size, and height requirements as specified in Article VI and other applicable sections. In addition to meeting the requirements set forth in Article V, duplex and townhouse developments in excess of twelve units shall conform to Article XIII, Two-Family, Townhouse, and Multi-Family Residential Development Standards.

3. The following regulations apply for townhouse developments which are not a part of a Planned Unit Development (PUD):
- a. Minimum tract size 1.5 acres.
  - b. Minimum lot area - 1,600 square feet per townhouse, living unit.
  - c. Minimum lot width - 20 feet for interior townhouse living units, and for corner lots the minimum shall be 40 feet for townhouse living units.
  - d. Minimum front yard depth - 30 feet except that where the building fronts on a dedicated street and/or is adjacent to other Residential property, the front yard requirement shall be increased to match existing setbacks of adjacent zone.
  - e. Minimum side yard depth - none for townhouses except that on corner lots the minimum side yard of the corner side shall be 20 feet. However, in no case shall a townhouse be built closer than the appropriate zoning setback to the lot line of adjacent lots which are zoned Residential.
  - f. Minimum rear yard depth - 20 feet for townhouses.
  - g. Maximum height - 35 feet.
  - h. A maximum of eight living units shall be allowed in each townhouse. When an end unit of a townhouse does not side on a street, an open space or court of at least 20 feet in width shall be provided between it and the adjacent row of townhouses and this open space shall be divided between the two immediately adjacent townhouse lots as to property of lot lines.
  - i. Where townhouse lots and dwelling units are designed to face upon an open or common access court rather than upon a street, this open court shall be a minimum of 40 feet in width and said court shall not include vehicular drives or parking areas.
  - j. Interior living units within a townhouse shall be built to side lot lines, but shall not have openings facing the side lot lines. Exterior or end living units may contain openings on the outside wall.
  - k. A minimum of three living units shall constitute a townhouse.
  - l. A minimum of two off street parking spaces per living unit is required.
  - m. All living units will be staggered or offset from adjacent units a minimum of two feet.
  - n. Common open space shall be required as per Section 1204 for Planned Residential Developments.

- o. Privacy fences in rear and side yards shall not prevent the free movement of personnel and equipment to interior living units for building maintenance, emergencies, sanitation collection and utility service.
- 4. Existing cemeteries.

Section 506. Medium Density Residential District (R-2). The R-2 residential district includes areas of medium density residential development. The regulations for this district are designed to provide an area where individuals and families may establish homes in a medium density residential environment which satisfied their need for convenience and economy.

In the R-2 residential district, the following uses are permitted:

- 1. Any use permitted in the R-1 district provided that two-family developments (duplexes) and townhouse developments in excess of twelve units shall conform to Article XIII, Two-Family, Townhouse, and Multi-Family Residential Development Standards.
- 2. Multi-family dwelling units with a maximum height of five floors, and with lot size, yard, setback, dwelling size and height requirements as specified in Article VI. In addition to meeting the requirements set forth in Article V, multi-family developments (apartments) in excess of twelve units shall conform to Article XIII, Two-Family, Townhouse, and Multi-Family Residential Development Standards.
- 3. Nursing and convalescent homes.
- 4. Motels and Tourist Homes provided that:
  - a. They are located on a major street;
  - b. Buildings are located not less than fifty feet from any property line;
  - c. A buffer strip at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that provide an effective visual screen.
- 5. Board and rooming houses.
- 6. Dormitories, fraternal organizations and clubs that provide housing, provided that:
  - a. They are located on a major or collector street;
  - b. Buildings are located not less than fifty feet from any property line;
  - c. A buffer strip at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that provide an effective visual screen.
- 7. Modular homes.

8. Foster Homes, Orphanages, and Institutional Houses for the handicapped.
9. Retirement Homes and Personal Care Houses.
10. Townhouses.

Section 507. High Density Residential District (R-3). The R-3 residential district includes areas where higher density residential development appears likely to occur. The regulations for this district are designed to provide areas for apartment complexes and other high density residential development.

In the R-3 residential district, the following uses are permitted:

1. Any use permitted in the R-2 district, provided that two-family developments (duplexes), townhouse developments, and multi-family developments (apartments), including high rise apartments in excess of twelve units, shall conform to Article XIII, Two-Family, Townhouse, and Multi-Family Residential Development Standards.
2. High Rise Apartments in excess of twelve units shall be developed in conformance with Article XIII, Two-Family, Townhouse, and Multi-Family Residential Development Standards. In addition to meeting the requirements of Article XIII, all high rise apartment developments (regardless of number of units) shall comply with the following requirements and provisions:
  - a. No such housing building shall exceed a maximum height of 150 feet;
  - b. Any building of more than six floors in height shall be permitted a maximum of twenty "dwelling units" per acre.
  - c. The building(s) shall not occupy more than thirty-five {35%} percent of the land area of the project.
  - d. The property line yard clearance shall not be less than the height of the tallest building in the project.
  - e. The development shall include and provide for landscaped recreation and open space exclusively for the tenants of the development.
  - d. Unless otherwise provided herein, these requirements are in excess and cumulative of all other requirements for the particular zone in which the project is to be located.

Section 508. Mobile Home District (R-4). The R-4 residential district includes areas where Mobile Home Parks and Mobile Home Subdivisions are appropriate.

In the R-4 residential district, the following uses are permitted:

1. Any use permitted in any other Residential District, provided that two-family developments (duplexes), townhouse developments, and multi-family

developments (apartments) in excess of twelve units shall conform to Article XIII, Multi-Family Residential Development Standards.

2. Mobile Homes and modular homes, provided they are located in an approved Mobile Home Park or Mobile Home Subdivision. Within sixty days of the siting of a mobile home on its lot, the undercarriage of the mobile shall be concealed from view through the use of permanent, non-inflammable construction materials.
3. Convenience food store with a maximum of 1500 square feet including storage, as an accessory to the Mobile Home Park or Subdivision.
4. Mobile Home Parks and Subdivisions, provided that each such park or subdivision is at least ten acres in size and provided further that every mobile home park space has an area of not less than 6050 square feet and every mobile home subdivision lot has an area of not less than 8000 square feet, and a width at the pad of at least 44 feet. In addition, the following minimum requirements shall be met:
  - a. Each mobile home lot or space shall be directly accessible from an approved internal paved park driveway not less than 24 feet in width. No direct access to mobile home lots or spaces from public streets shall be permitted. No mobile home structure shall be located within fifteen feet of any street or drive within the Mobile Home Park or Subdivision.
  - b. Mobile homes shall be separated from each other by not less than 20 feet end to end and 25 feet side to side. No portion of any mobile home shall be within 50 feet of the park or subdivision boundary.
  - c. Each mobile home lot shall include a paved concrete or all weather patio area having a minimum area of 300 square feet.
  - d. Each mobile home lot shall have at least two paved off-street parking spaces (400 square feet total minimum).
  - e. Each mobile home park or subdivision shall include an area for the storage of boats, travel trailers and/or other vehicles.
  - f. All utilities shall be installed underground.
  - g. Streets, pedestrian walkways and parking areas shall be adequately lighted.
  - h. Within the development, there shall be 550 square feet of the land per living unit improved, landscaped and dedicated as common areas for parks and recreation for the use of residents of the development. These common areas shall be landscaped by the developer and maintained by the owner. Streets, parking areas, required yards and required buffer zones shall not be counted as part of the minimum common area. Recreational facilities shall include swimming pool, tennis court, playground equipment, or athletic fields. The amount and type of

recreational facilities to be based upon the expected need for the number of bedrooms to be built in the development. Paragraphs 'c','d', and 'e' of Paragraph 3 of Section 1204 shall apply to Mobile Home Subdivisions."

5. Launderette for use of the Mobile Home Park or Mobile Home Subdivision only.
6. Offices and/or maintenance and storage buildings, incidental to use by residents of the Mobile Home Park or Mobile Home Subdivision only.
7. Trailer Parks for the temporary rental or lease of lots for transient campers, trailers, motor homes or recreational vehicles.

Section 509. Limited Commercial and Residential (LCR) The (LCR) Limited Commercial and Residential includes specified commercial, office, and low density residential uses. These areas shall provide for permitted, but limited, commercial activities, provide for related services to business and professional offices, and provide for the protection of adjacent residential areas by maintaining compatible architectural styles.

In the R-5 district, the following specified uses are permitted:

1. Any use permitted in the R-12 District.
2. Book stores.
3. Stationery, card, and gift shops.
4. Jewelry shops.
5. Camera shops.
6. Flower shops.
7. Arts and crafts shops.
8. Wearing apparel shops.
9. Specialty service restaurants.
10. Other retail uses having a similar character to those uses listed in paragraphs 1 through 8 above, as determined by the city manager or his designee.
11. Offices providing professional services.
12. Public and private educational institutions offering education courses.
13. Offices serving as support functions for business operations.
14. Churches.
15. Residential Bed and Breakfast Facilities conforming to the following requirements:

- a. There shall be no more than four (4) bedrooms per dwelling unit used for the Bed and Breakfast Operation.
- b. Maximum number of paying guests per day is eight (8). No pets of the paying guests shall be permitted either inside or outside the premises.
- c. Alcoholic beverages shall not be sold to any paying guest at the premises.
- d. All Bed and Breakfast operations shall be subject to the hotel/motel tax of the City of Bremen, Georgia.
- e. The residential Bed and Breakfast shall conform to all codes and regulations of the City of Bremen, Carroll and/or Haralson County where applicable, and the State of Georgia.
- f. The resident owner(s) shall keep a current guest register including names, addresses and dates of occupancy of all guests.
- g. Only one (1) freestanding non-illuminated sign (6 square feet maximum) may be erected on the property.
- h. At least one (1) off-street parking space must be provided on the property for the owner(s) and each guest room. On-street parking is permitted only where otherwise permitted or authorized by City Ordinance.
- i. It shall be unlawful for any person to operate a Bed and Breakfast establishment without having first obtained a license from the City of Bremen, the cost of which shall be set by the Mayor and Mayor and City Council for the whole or any part of one (1) year.
  - (1) Applications for residential Bed and Breakfast shall be notarized and include the location and owner of the property, a site plan of the lot showing the proposed location of the residential bed and breakfast use and the location of the required off-street parking space, and a photograph of the current principal view or views of the structure where the proposed Bed and Breakfast use is to be located. The application shall also include a statement which the resident-owner must sign acknowledging that he or she has reviewed and understands the requirements of this section.
  - (2) Upon a change in ownership of a property and prior to issuance of a new business license to allow continuation of an existing permitted residential Bed and Breakfast use upon said property, the new property owner(s) shall be required to certify recompliance of the residential Bed and Breakfast use with the City Manager by having an application for the recertification of the Bed and Breakfast use notarized, filed with, and approved by the City Manager.

## 16. Event Facilities

### Additional Building/Structure Requirements:

- a. There shall be a fifteen (15) foot side setback from the property line of any commercial use building that abuts against a single family or multifamily residential zoning district.
- b. New construction or alteration of buildings/structures to be compatible with adjacent buildings and must have the approval of the Bremen Planning Commission .

### Additional Parking Requirements:

All City of Bremen parking requirements now or hereafter enacted shall apply, plus, off-street parking shall be provided and shall only be located to the side or rear of the principal use/building.

### Signs:

- a. Size - Maximum allowable size shall be six (6) square feet.
- b. Location - Only one (1) sign and it shall be freestanding, shall be located in the front of the principal structure/use.
- c. All requirements of the Sign Ordinance of the City of Bremen, Georgia, shall be met with the exception of the aforementioned items.

Section 510. Office-Institutional District (O-I). The OI Office-Institutional District is established to provide a location for educational and other types of institutions, offices, and related retail and service facilities.

In the OI Office-Institutional District, the following uses are permitted:

1. Any use permitted in the R-12 district.
2. Offices providing professional services.
3. Banks and other financial institutions.
4. Churches.
5. Lodges, clubs, fraternal and social organizations.
6. Radio and television studio, provided that antennas are at least 200 feet from the nearest residential property line.
7. Art galleries, craft shops, florists, and specialty shops.
8. Service facilities including photo processing, quick copy, mail and messenger service, travel agency, taxidermist, and upholstery shops.

9. Music and dance schools and studios.
10. Interior Decorators
11. Barber shops and beauty shops.
12. Locksmith or gunsmith provided no firing range is included.
13. Health spa, physical fitness and martial arts training facilities.
14. Dormitories, fraternal organizations, and clubs that provide housing facilities provided that the facilities are located within an established campus complex.
15. Parking lots and parking garages.
16. Research and testing facilities.
17. Public buildings and facilities.
18. Mortuaries.
19. Retail and service facilities located within an office or institutional building and catering to employees, visitors, students, and clients of offices and institutions located within the district.
20. Nursery Schools, Kindergartens and Day Care Facilities with less than seven persons provided that:
  - a. At least 200 square feet of outdoor play area per child is provided on the lot, for all children that will be using the play area at a given time but in no case less than one half the license maximum allowable enrollment;
  - b. The play area is enclosed by a woven wire fence at least four feet high;
21. Day Care Facilities.
22. Nursing and convalescent homes.

Section 511. Hospital Service District (HS). The HS Hospital Service District is established to provide a location for a hospital and related facilities that serve the hospital or benefit from a location in close proximity to it.

In the HS district the following uses are permitted:

1. Hospitals; and medical and dental clinics.
2. Offices for providing medical or other hospital related professional services.
3. Drug stores.
4. Restaurants.

5. Florist shops.
6. Other service facilities that primarily cater to employees, visitors, and patients of the hospital located within the district.
7. Nursery Schools, Kindergartens and Day Care Facilities as defined and permitted in the (O-I) Office-Institutional District.

Section 512. Central Business District (C-1). The Central Business District is intended for those commercial uses which require a central location and provide goods and services that are used by the entire community and surrounding area.

In the C-1 Central Business District, the following uses are permitted:

1. Residential land-uses as specified under Central City Residential.
2. Retail businesses and pharmacies.
3. Banks and other financial institutions.
4. Offices and professional services.
5. Restaurants
6. Motels and hotels.
7. Public buildings and land uses.
9. Mortuaries, except crematories.
10. Radio and television facilities.
11. Theaters and other places of entertainment and amusement enclosed in a building.
12. Parking lots and garages.
13. Transportation terminals for passengers.
14. Utility stations, if essential for provision of service to the zoning district, provided that:
  - a. Structures are enclosed by a woven wire fence at least eight feet high;
  - b. No vehicles or equipment are stored on the premises.
15. Lodges, fraternal and social organizations.
16. Churches.

17. Nursery schools, kindergartens, and day care facilities as defined and permitted in the (O-I) Office-Institutional District.
18. Central City Residential provided that:
  - a. The units are located within the Central Business District;
  - b. The units are located within an existing structure or are located no lower than the second floor of any new structures;
  - c. The dwelling unit shall have a minimum of 600 square feet of interior floor space;
19. Art galleries, craft shops, florists, and specialty shops.
20. Service facilities including photo processing, quick copy, mail and messenger service, travel agencies, and dry cleaners provided that no cleaning facilities will be located at the location located within this zoning district.
21. Music and dance schools and studios.
22. Interior Decorators.
23. Barber shops and beauty shops.
24. Locksmith or gunsmith provided no firing range is included.
25. Health spa, physical fitness and martial arts training facilities.
26. Medical offices and health clinics.

Section 513. Neighborhood and Highway Service Business District (C-2). The C-2 Neighborhood and Highway Service Business District is established to provide locations for retail trade establishments which furnish convenience goods for surrounding residential areas and for business activities which primarily cater to the traveling public.

In the C-2 Neighborhood and Highway Service Business District, the following uses are permitted:

1. Sales and/or service facilities for new and used automobiles, trucks, mobile homes, boats, heavy construction and agricultural machinery, and service equipment provided that they are located on a major street.
2. Theaters and other places of entertainment enclosed in a building.
3. Drive-in theaters provided that the screen does not face on a street.
4. Motels.

5. Retail businesses and service stores, including convenience stores and gasoline and diesel fuel sales.
6. Nurseries providing lawn and garden supplies and plants, including retail sales.
7. Newspaper and printing facilities.
8. Restaurants, including fast-food, drive-in, and cafeteria establishments.
9. Temporary storage uses, permitted by the City Manager, not to exceed 30 days in duration within a six month period and with at least 90 days between periods of use.
10. Temporary sales/services, permitted by the City Manager, not to exceed 10 days in duration within a six month period and with at least 90 days between use periods.
11. Laundry, launderette, washeteria and dry cleaning facilities.
12. Parking lots and parking garages.
13. Automobile, truck, trailer, and equipment rental outlets.
14. Veterinary offices.
15. Mini-warehouses.
16. Adult Entertainment Establishments subject, however, to the requirements set forth in Section 301.4 and Section 601 of the Zoning Ordinance of the City of Bremen.
17. Recreational vehicle/travel trailer campgrounds, provided that the campground shall be developed in accordance with the provisions of the *City of Bremen Campground Standards Ordinance*.

Section 514. Light Industry District (M-1). The M-1 Light Industry District is established to provide a location for those industrial operations which demonstrate characteristics that are not normally objectionable.

In the M-1 Light Industry District, the following uses are permitted:

1. Any use permitted in the C-2 district.
2. Building material yards including milling operations.
3. Junk yards; provided that they are completely surrounded by a fence which is at least eight feet high and provides an effective visual barrier.
4. Utility stations including buildings and grounds for storage of vehicles, equipment, and materials.
5. Transportation terminals for freight.
6. Wholesaling, commercial warehousing, and commercial storage facilities.

7. Veterinary offices, hospitals, and laboratories.
8. Dog kennels.
9. Cabinet shops and furniture manufacturing.
10. Motor vehicle repair facilities, garages, body shops and paint shops.
11. Machine shops and related activities.
12. Bakeries.
13. Construction contractors.
14. Crematories.
15. Similar businesses and industries provided that any business or industry characterized by noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable features shall be required to show that these features will be controlled so that the location, construction, and operation of the business or industry will not injure present or prospective industrial development in the district.
16. Adult entertainment establishments, subject, however, to the requirements set forth in Section 301-4 and Section 601.

Section 515. Heavy Industry District (M-2). The M-2 Heavy Industry District is established to provide locations for those industrial operations and facilities which are not nuisances and are not injurious to the health, safety, and general welfare of the public.

In the M-2 Heavy Industry District the following uses are permitted:

1. Any use permitted in the M-1 district.
2. Meat processing or packaging; including slaughtering, poultry killing, plucking and dressing.
3. Mines, quarries, and sand and gravel pits.
4. Above ground storage of liquid petroleum products or chemicals of a flammable or noxious nature when 150,000 gallons are stored on one lot or when more than 25,000 gallons are stored in any one tank.
5. Ready-mix concrete plants and precast concrete manufacturing and sales.
6. Asphalt plants.
7. Saw mills and other milling operations.

8. Sanitary landfills, but only where specifically authorized in accordance with Section 1504 as a “Conditional Development” based upon detailed development plans, approved by the Mayor and Mayor and City Council and in compliance with current State and Federal Regulations.
9. All other industrial uses in compliance with State and Federal Regulations provided that no nuisance or danger to the public health, safety or general welfare is created.

Section 516. Flood Hazard District (FH). The FH Flood Hazard District includes land that is subject to periodic flooding. The district is an overlay to other zoning districts, imposing additional restrictions to those established by the underlying zoning classification. The regulations for this district are designed to prevent flood damage to persons and property, preserve drainage courses that will be adequate to carry storm water run-off from existing and future land development, permit uses that are appropriate on flood plains in order to effectively use this land, and prohibit land uses that obstruct the flow of flood water.

In the FH Flood Hazard District, the following uses are permitted below the 100 year flood level:

1. Agriculture.
2. Fences.
3. Outdoor advertising signs.
4. Parking lots.
5. Public, semi-public, and commercial recreational uses requiring no structures within the flood plain except temporary structures for shelter.
6. Flood control structures and devices.
7. With proper permitting, and with floor elevations set above the 100 year flood level, development appropriate for the underlying zoning district is permitted.

District	Minimum Lot Area (sq. feet)	Maximum Units per Acre	Minimum Area per Dwelling Unit	Minimum Right-of-Way Setback			Minimum Lot Width	Minimum Side Yard	Minimum Rear yard	Maximum Height (1)	Maximum Percent of Lot Covered (2)
				Major Street	Collector Street	All Others					
ER	130,680	1.0	130,680	50	40	30	250	15 (4,5)	30 (4,5)	40	35
R-20	20,000	2.18	20,000	50	40	30	100	15 (4)	20 (4)	40	35
R-15	15,000	2.9	15,000	30	30	30	80	10 (4)	20 (4)	40	35
R-12	12,000	3.63	12,000	30	30	30	60	10 (4)	20 (4)	40	35
R-1	12,000	5.81 (7)	7,500	30	30	30	60	(3) (4)	20 (4)	35	35
R-2	10,000	8.71 (7)	5,000	30	30	30	60	(3) (4)	20 (4)	150	35
R-3	8,000	12.1 (7)	3,600	30	30	30	60	(3) (4)	20 (4)	150	35
R-4	8,000 (6)	10.89 (7)	4,000	30	30	30	50	(3) (4)	20 (4)	150	35
R-5	10,000	4.35	10,000	30	30	30	60	(4)	15 (4)	150	35
O-1				30	30	30	80	(4)	20 (4)	150	50
H-S				30	30	30	80	(4)	20 (4)	150	50
C-1								(4)		150	100
C-2				40	30	30	60	(4)	15 (4)	150	35
M-1				60	30	20		(4)	10 (4)	150	50
M-2				60	30	20		(4)	5 (4)	150	60
FH											

1. The height limitations of this ordinance shall not apply to structures listed in section 901 of this zoning ordinance.
2. Maximum percent of lot covered by buildings.
3. Minimum five feet with the least sum of both sides 15 feet.
4. See Section 810 for buffering requirements.
5. Minimum setbacks for structures housing poultry or livestock 100 feet to any property line.
6. Lot size specified for mobile home subdivision.
7. Refer to section 1301 if development exceeds 12 units and is classified as two-family, townhouse, or multifamily.

## **ARTICLE VI**

### **AREA, YARD AND HEIGHT REQUIREMENTS**

Section 600. General Requirements. The minimum lot sizes, area per dwelling unit, dwelling size, setbacks, yard sizes, and lot widths, and the maximum heights for buildings for all Zoning Districts are specified in the following tabulation.

#### **Section 601. Additional Restrictions for Adult Entertainment Establishments.**

1. No adult entertainment establishment, business, or use shall be located within 1,000 feet, measured from the closest point of the real property on which the adult entertainment establishment is sought to be erected and operated in a straight line to the closest point of the real property, of the following:
  - a. Residential uses or purposes;
  - b. A church, school, government owned or operated public facility, library, public park, or hospital;
  - c. Any other adult entertainment establishment;
  - d. An establishment licensed to sell alcoholic beverages;
2. If the adult entertainment establishment or the activity to which a measurement is required is a part of a tract of land occupied by other uses the measurements shall be from the closest point of the total tract of land(s) and not the building(s) in which the activities are located.

## **ARTICLE VII**

### **APPLICATION OF REGULATIONS**

Section 700. Use, Occupancy, Erection and Demolition. No building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, demolished, moved or altered except in conformity with the regulations of this Ordinance.

Section 701. Height and Density. No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

1. Exceed the height limits.
2. House a greater number of families per acre or occupy a smaller lot area per family than are herein allowed.
3. Have narrower or smaller front, rear or side yards than are required.

Section 702. Reduction in Lot Size. No lot shall be reduced in size so that lot width or depth, size of yards, lot area or any other requirement of this Ordinance is not maintained. This limitation shall not apply when a portion of a lot is acquired for a public purpose.

Section 703. Yards and Other Spaces. No part of a yard or the off-street parking or loading spaces that are required in connection with any building or use for the purpose of complying with the regulations of this Ordinance shall be included as part of the yard of off-street parking or loading spaces required for another building, except as specifically provided herein.

Section 704. Minimum Lot Size for Residential Septic Tank Use. No single family residence shall be permitted on a lot of less than 43,560 square feet in a new subdivision which is to be served by septic tanks, regardless of the zoning district classification. With respect to existing platted lots, the Carroll or Harlason County Health Department will evaluate each individual request for a permit on a case-by-case basis. This restriction on lot size does not apply to residential development served by community sewer systems.

Section 705. Only One Principal Building or Use on a Lot. Within single-family residential districts, no more than one principal building or structure or use and its customary accessory buildings and uses shall be permitted on any lot. In nonresidential and multifamily residential districts, more than one structure housing a principal permitted use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

Section 706. Street Frontage Requirement. No building or structure shall hereafter be erected on a lot that does not abut for at least forty contiguous feet upon a single open street which shall be a publicly dedicated and maintained street except that this restriction will not apply in the Central Business District.

## **ARTICLE VIII**

### **GENERAL PROVISIONS**

Section 800. Accessory Uses or Structures. Accessory uses or structures shall be permitted only in side or rear yards, except as otherwise provided in this Ordinance. An accessory use or structure shall, excepting fences, be set back not less than five feet from any property line on a residential lot. Accessory buildings on commercial property must comply with the existing commercial setback requirements for the principal use. No accessory buildings shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.

Section 801. Vision Clearance at Intersection. In all zoning districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of three feet and fifteen feet, except utility poles, light or street sign standards or tree trunks shall be permitted within twenty feet of the intersection of the right-of-way lines of streets, roads, highways, or railroads, except within the Central Business District.

Section 802. Approvals for Developments on State Highways. For all developments fronting on a State Highway, no building permit shall be issued until the approval of the State Department of Transportation has been obtained by the applicant for entrances and exits, curb

radii, drainage and other matters that are the appropriate concern of the Department. For large scale developments in high traffic areas, the Planning Commission may require the construction of frontage or access roads so as to improve traffic flow.

Section 803. Flood Hazard. No structures or obstruction to storm water flow shall be erected or installed below the maximum flood elevation of the 100 year recurrence interval storm unless a plan is approved to compensate for the loss of flow area and flood storage. Land adjacent to Flood Hazard Districts may be subject to periodic flooding even though it lies above the established minimum flood elevation. It shall remain the responsibility of the developer to adequately investigate the possibility of local flooding above the established minimum levels and to guard against damages which might be associated with such flooding. The Planning Commission may, when it deems it advisable, require proof to its satisfaction that no structures or obstructions will be erected or installed below the established minimum flood elevations.

Section 804. Frontage on Corner Lots and Double Frontage Lots. On lots having frontage on more than one street, the minimum front yard shall be provided for each street.

Section 805. Utilities Location. Utility structures such as electric transformer stations, gas regulators stations, water and wastewater pumping stations, and water tanks may be located in any zone as necessary to serve the public interest.

Section 806. Outdoor Storage. The outdoor storage of inoperative automobiles, machinery, equipment, used building materials, trash, solid waste, appliances and similar items and materials shall be limited to those commercial enterprises requiring short term storage of items being repaired.

Section 807. Erosion and Sedimentation Control. All developments within the City of Bremen, Georgia shall comply with current Erosion and Sedimentation Control regulations of Carroll County or Haralson County, Georgia, and with the rules and regulations of the Environmental Protection Division, Department of Natural Resources, State of Georgia.

Section 808. Annexation. Any land subsequently annexed to the City of Bremen shall be classified as to Zoning District or Districts at the time of annexation. The Planning Commission shall review the proposed annexation and shall report its recommendations for zoning of the properties involved to the Mayor and City Council within 60 days of a request for recommendation. The Mayor and City Council shall advertise for and conduct at least one Public Hearing in connection with any annexation.

Section 809. Signs, and Posters, and Billboards. All signs, billboards and other outdoor advertising shall comply with the current sign ordinance of the City of Bremen.

Section 810. Buffer Zones. Where industrial and commercial districts are contiguous with residential districts, buffer zones are required in addition to normal side and rear yards. Where pre-existing industrial or commercial development is contiguous with proposed residential developments, and where no buffer in compliance with this ordinance is established on the industrial or commercial development where contiguous with the proposed residential district; then in such cases, the developer of the proposed residential district shall be required to establish a buffer zone between the proposed project and the pre-existing use where a buffer is required by this section. All such buffer zones shall be designated on each plat prior to final approval and shall be designated as a permanent Buffer Zone Easement. Buffer zones shall be

furnished, improved and maintained by the developer and subsequent property owner as follows:

1. Buffer zones shall be provided as follows:

<u>Zoning</u>	<u>Adjacent To Single Family Residential</u>	<u>Adjacent To Multi-Family Mobile Home</u>	<u>Adjacent To Hospital Service Or Office-Inst</u>
M-2	50 feet	50 feet	50 feet
M-1	50 feet	50 feet	50 feet
C-2	15 feet	15 feet	-
O-I	15 feet	15 feet	-

For two-family developments (duplexes), townhouse developments, and multi-family developments (apartments) in excess of twelve units in R-1, R-2, R-3, and R-4 the buffer shall be fifty (50) feet where adjoining any single-family zoning district.

2. Existing native vegetation shall be supplemented with additional plantings and/or with a wall, fence or berm as necessary to achieve an effective visual screen. Uncontrolled growth of Kudzu shall not be permitted in buffer zones. . Buffers shall be of such nature and density so as to screen activities, structures and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.
3. Buffer Zones shall be used only for a buffer and shall not be used for paving, parking, recreation areas, storm water retention ponds, or similar uses, except that a fence or wall may be constructed within the buffer zone. If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance or existing vegetation and located as to provide an effective visual screen. Installed walls and fences shall be properly maintained by the developer and/or property owner.
4. Buffers in which vegetation is non-existent or inadequate to meet the screening requirements of this ordinance shall be planted with supplemental plantings so as to provide a year-round effective visual screen. Supplemental plantings and replantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of 6 feet in height at time of planting and shall be species which will achieve a height of at least 20 feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of 3 feet in height at time of planting and shall be a species which will achieve a height of at least 10 feet at maturity. All supplemental plantings shall be installed to allow for proper growth and maintenance.
6. During authorized land disturbing activities, buffers shall be clearly demarcated and protected prior to commencement of, and during, construction. The method of demarcation and protection utilized shall be in accordance with best management practices or as required by the department.

5. Setbacks from the property line for districts that abut dissimilar districts shall be provided as follows:

<u>Zoning</u>	<u>Adjacent To Single Family Residential</u>	<u>Adjacent To Multi-Family Mobile Home</u>	<u>Adjacent To Hospital Service Or Office-Inst</u>
C-2	25 feet	25 feet	-
O-I	20 feet	20 feet	-
LCR	15 feet	15 feet	-

Section 811. Customary Home Occupations. In all residential districts, customary home occupations are permitted; however, the following requirements shall apply in addition to all other applicable requirements for the residential district in which such uses are located:

1. Home occupation shall be limited in such a way as to not generate excess traffic at its location, and shall not have in excess of, in the aggregate, ten (10) clients or customers at its location in any twenty-four hour period.
2. The total floor space devoted to the home occupation shall not exceed twenty five percent (25%) of the heated dwelling space of the dwelling.
3. The following requirements shall apply in addition to all other applicable requirements of this ordinance for the residential district in which such uses are located:
  - a. No outside storage shall be used in connection with the home occupation.
  - b. Sufficient off-street parking shall be provided for those residing in the home and for clients and customers of the permitted home occupation.
  - c. No internal or external alterations inconsistent with the residential use of the building may be permitted.
  - d. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation.
  - e. No machinery that causes noises or other interferences in radio and/or television reception shall be allowed.
  - f. No chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment shall be used in a permitted home occupation.
  - g. No external signs may be displayed advertising the product or service available.
  - h. No person other than a resident of the dwelling may be employed in the home occupation.
4. Customary Home Occupations may include, but are not limited to the following:

- a. The accommodation of not more than four (4) boarders or roomers.
  - b. The office of a professional person.
  - c. Art studio, dressmaking, sewing, canning, and baking.
  - d. Teaching individual musical instruments, dance, crafts or academic subjects with instruction limited to not more than two pupils at one time.
  - e. The care of not more than four children for compensation.
5. A Customary Home Occupation specifically does not include the following listed occupations. This list is not comprehensive, and other similar occupations and uses may be prohibited:
- a. Dancing or band instrument instruction in groups.
  - b. Tearooms and Restaurants.
  - c. Tourist Homes, Boarding Houses, or Rooming Houses.
  - d. Fish Hatcheries, worm farms or bait houses.
  - e. Convalescent and nursing homes.
  - f. Kennels and animal hospitals.
  - g. Clinics and hospitals.
  - h. Firewood sales.

Section 812. Metal Building Regulations. Where any exterior wall or facade of any metal building fronts upon any public street within any Industrial District (M1 or M2), that wall or facade shall be constructed with a minimum of architectural treatment so as not to have the appearance of a metal building. In any other district, all exterior walls must be constructed with an architectural treatment.

#### Section 813. Residential Living Only Permitted In Permanent Structures

No lot may be used for temporary or permanent residential living quarters unless a permanent dwelling unit has been lawfully erected on the lot, pursuant to the provisions of this Ordinance and applicable building and safety codes.

Tents, boats, RVs and others structures that are not permitted permanent dwelling units cannot be occupied either on a permanent or temporary basis on a residential lot, except that tents may be occupied for no more than three days in any two-month period when erected in the rear yard of a permanent dwelling unit.

#### Section 814. Occupancy Of Recreational Vehicles

No recreational vehicle shall otherwise be occupied as a temporary or permanent residential living quarters except in conformance with this Section or the provisions of the *City of Bremen Campground Standards Ordinance*.

Recreational vehicles can be occupied as temporary dwellings as a temporary accessory use, for no more than ten days in any two month period, only if there is a permanent dwelling unit as a principal use on the lot, and only if the vehicle is parked in conformance with this Ordinance. No more than one recreational vehicle can be so occupied on the same lot.

#### Section 815. Recreational Vehicle Parking

Recreational vehicles parked in any residential zone or residentially-used area shall not be permitted to be parked in any required set-back or buffer area, nor in any front-yard area. Recreational vehicles on residential property shall only be parked in the side or rear yard, within setbacks. No more than two recreational vehicles shall be parked on any single residential lot.

#### Section 816. Use of Vehicle or Trailers for Storage Prohibited

Neither vehicles (whether operable or inoperable) nor trailers (whether on or off their axels) may be used as storage buildings. This shall apply to all vehicles and trailers, including commercial vehicles, recreational vehicles, panel vans, tractor-trailer rigs, railroad box-cars, etc. However, tractor-trailer rigs and trailers may be used for temporary storage on property zoned C-2, M-1, or M-2 only by businesses operating on the same property. Temporary storage means no particular trailer may remain longer than three months.

### **ARTICLE IX**

#### **EXCEPTIONS AND MODIFICATIONS**

Section 900. Walls and Fences. Fences shall be erected only upon application to and permit issued by the City, and payment of required application fee. Fences shall be constructed in such a manner as to not obstruct a view of adjoining property owners entering or leaving a public way or street. Adequate provision shall be made for access of normal utility service, including garbage collection, water and other utility meters and mail delivery. No fence may interfere with required off-street parking. Fences located in front yards of Residential Zones shall be limited to ornamental fences.

Section 901. Structures Excluded from Height Limitations. The height limitations of this Ordinance shall not apply to church spires, steeples, belfries, flag poles, monuments, cupolas, domes, ornamental towers nor to observation towers not intended for human occupancy, water towers, transmission towers, radio or television towers or aerials, chimneys, smokestacks, conveyors, derricks, parapet walls extending not more than four feet above the roof line of the building, or to necessary mechanical roof appurtenances.

Section 902. Substandard Lots of Record. Any lot of record existing at the time of the adoption or amendment of this Ordinance, which has an area or a width that is less than is required by this Ordinance, may be used, subject to the following exceptions and modifications.

1. Adjoining Lots. When two or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption or amendment of this Ordinance and such lots, individually, have an area or width that is less than required by this Ordinance, such groups of lots shall be considered as a single lot or several lots of the minimum width and area required in the district in which they are located.
2. Individual Lot Not Meeting Minimum Lot Size Requirements. Except as set forth in subsection 1 of this Section, in any district in which single-family dwellings are permitted, any lot of record, existing at the time of adoption or amendment of this Ordinance, which has an area, width or depth less than that required by this Ordinance may be used as a building site for a single-family dwelling.

In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width single-family dwelling, Zoning Commission is hereby authorized to reduce the side-yard requirements for such lot the minimum amount necessary for a reasonable dwelling, but in no case shall each of the side yards be less than five feet in width.

Section 903. Reduction of Front-Yard Requirements. The front-yard requirements of this ordinance shall not apply on any lot where the average depth of the front yard of existing buildings located wholly or in part within one hundred feet on each side of such lot within the same block or zoning district and fronting on the same side of the street is less than the minimum required front-yard depth. In such cases, the depth of the front yard on such lot may be less than the required front-yard depth but shall not be less than the average of the front yards of the aforementioned existing buildings.

Section 904. Temporary Buildings. A temporary building or buildings or mobile home for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period and for no more than six (6) months. If the builder would like to request an extension of time, they would need to receive a permit of approval from the City Manager.

Section 905. Central Business District Setbacks from Right-of-Way. In the Central Business District, with the exception of properties abutting Georgia Department of Transportation right-of-way, zero setbacks from the right-of-way shall be allowed.

## **ARTICLE X**

### **NONCONFORMING USES**

This Ordinance shall not be interpreted to approve or perpetuate any existing non-conforming use; however, its use shall be controlled by this Article X.

Section 1000. Continuance of Non-Conforming Uses. The lawful use of any building or structure or land existing at the time of the enactment or amendment of this Ordinance may be continued, even though such use does not conform with the provisions of this Ordinance, except that the nonconforming use shall not be:

1. Extended to occupy a greater area of land.

2. Extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this Ordinance and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure.
3. Re-established after discontinuance for six months. Holding of an Occupational Tax Certificate does not in itself constitute continuance of a business.
4. Changed to another nonconforming use of lower priority. For the purposes of this section, the districts shall have priority as established by the order of their listing in Article IV of this Ordinance.

Section 1001. Continuance of a Building Occupied by a Non-Conforming Use Excluding Those Specified in Section 1002. A building occupied by a nonconforming use at the time of the enactment or amendment of this Ordinance may be retained except that it shall not be:

1. Enlarged, altered or rebuilt except in conformance with this Ordinance but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition.
2. Rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of destruction. Where damage is less than 50 percent of the replacement cost, reconstruction must be initiated within six months of incurring damage and completed within one year of incurring damage. Non-conforming uses may not be enlarged in the process of reconstruction or replacement.

Section 1002. Continuance of a Single-Family Residential Building or a Duplex (located in a Single-Family Residential District) or a Multi-Family Residential Building (located in a Single Family Residential District) Occupied by a Non-Conforming Use. All existing residential structures which do not conform to this Ordinance may be rebuilt upon damage by fire or other casualty to the predamaged use and size.

## **ARTICLE XI**

### **OFF-STREET AUTOMOBILE PARKING AND LOADING AND UNLOADING SPACES**

Section 1100. Off-Street Automobile Parking and Loading and Unloading Spaces Required. Off-street automobile parking and loading and unloading spaces shall be provided, as specified in this Ordinance, for uses and structures hereafter established.

Any building or use that is subsequently enlarged shall meet the off-street parking and loading and unloading space requirements of this Ordinance for the original building plus the addition made.

Section 1101. Plan and Design Standards. The following are required plan and design standards for off-street parking and loading and unloading spaces.

1. Required area for Each Parking Space. Each automobile parking space shall be not less than nine feet wide and twenty feet deep. Adequate interior driveways shall connect each parking space with a public street.

2. Interior Driveways. Interior driveways when used with ninety-degree-angle parking shall be at least 24 feet wide; when used with sixty-degree-angle parking, at least eighteen feet wide. When used with parallel parking or when there is no parking, interior driveways shall be at least twelve feet wide for one-way traffic and at least twenty-four feet wide for two-way traffic.
3. Surfacing, Drainage and Lighting. All required off-street parking and loading and unloading areas shall be properly drained and paved to avoid water, dust, and mud problems. Off-street parking facilities for nonresidential development used at night shall be properly illuminated for the safety of pedestrians and vehicles and for policing. The lighting shall be designed so as not to reflect or cause glare in any residential district.
4. Location of Required Off-Street Parking Spaces on Other Property. If the required automobile off-street parking spaces cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property lying not more than four hundred feet from the main entrance to the principal use. In this situation, the applicant shall submit, with his application for a building permit or occupancy permit, an instrument duly executed and acknowledged, which accepts as a condition for the issuance of a building permit or an occupancy permit, the permanent availability of such off-street parking facilities to serve his principal use.
5. Sharing of Required Off-Street Parking Spaces. One half of the off-street parking spaces required by a use whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night or on Sundays.

Section 1102. Handicapped Parking. Parking lots servicing commercial, industrial and public buildings shall include level parking spaces at least twelve feet wide, identified by pavement markings and above-grade signs as being reserved for physically handicapped persons. One such space shall be provided in each twenty five spaces for the first one hundred spaces, and one additional handicapped space shall be provided for each additional one hundred spaces.

Section 1103. Extension of Parking Area into a Residential Zone. Any required parking lot may extend up to 120 feet into an area zoned residential; provided the parking area is contiguous, meaning property lines abut, to a commercial, industrial, hospital service or office-institution district; and is separated from abutting properties in a residential district by a five foot wide planted buffer strip. Property shall not be considered "contiguous" if separated by the right-of-way of a street or railroad (unless the Board of Development Appeals shall grant a variance for the same under the power and authority to grant variances by this code). Such "contiguous" area shall at all times be owned by the property owner using the same.

Section 1104. Minimum Number of Off-Street Parking Spaces Required. The following are the minimum number of off-street parking spaces required. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use.

1. Automobile Sales and Service. One space for each regular employee plus one space for each 250 square feet of floor area, plus spaces for inventory vehicles.

2. Banks and Professional Offices. One space for each 200 square feet of floor area.
3. Bed and Breakfast. One for the owner(s) and one for each guest room.
4. Beauty Parlors and Barber Shops. Two spaces for each operator.
5. Bowling Alley. Five spaces per alley plus requirements for any other use associated with the establishment, such as a restaurant.
6. Central City Residential. One space per 400 square feet of gross floor space.
7. Churches. One space for each four seats in main auditorium.
8. Convenience Stores. One space per each 200 square feet of gross floor space.
9. Dormitories. Three spaces for each four occupants.
10. Fraternity and Sorority Houses. Four times the minimum lawful number of resident members.
11. Funeral Parlors. One space for each four seats in the chapel plus space for each funeral vehicle.
12. Furniture and Appliance Stores. One space for each 500 square feet of showroom.
13. Gasoline Service Station. One space (in addition to service area) for each pump and three spaces for each grease rack or similar facility plus one space for each attendant.
14. Hospitals and Nursing Homes. One space for each four beds plus one space for each staff or visiting doctor plus one space for each employee on the largest shift.
15. Hotels, Motels and Tourist Courts. One space for each guest bedroom plus one space for each two employees on the largest shift.
16. Industrial Plants. One space for each two employees on the largest single shift plus one space for each company vehicle operating from the premises.
17. Kindergartens and Nursery Schools. One and one half (1½) space for each employee plus safe and convenient offstreet spaces for loading and unloading of students.
18. Lodges and Clubs. One space for each 100 square feet of assembly area, or one space for each ten members, whichever is larger.
19. Libraries and Similar Uses. One space for each 400 square feet of gross space to which the public has access.
20. Mobile Home Lots. Two spaces for each lot.

21. Offices. One space for each 300 square feet of floor space.
22. Personal Care Homes. One space for each three beds and one space per employee.
23. Places of Amusement or Assembly Without Fixed Seats. One space for each 200 square feet of floor space devoted to patron use.
24. Places of Public Assembly. One space for each four seats in the principal assembly room.
25. Residence. Two spaces for each dwelling unit.
26. Restaurants. One and one half space for each four seats provided for patron use.
27. Retail Business. One space for each 300 feet of gross floor area.
28. Rooming and Boarding Houses. One space for each bedroom.
29. Schools. One space for each employee, including teachers and staff member, plus off-street space for the safe and convenient loading and unloading of students, plus additional facilities for student parking taking into consideration the total number of students, the percentage of students driving automobiles and the parking requirements for stadium, gymnasium and auditorium use.
30. Wholesale and Warehousing. Two spaces for each employee plus one space for each company vehicle operating from the premises.

Section 1105. Off-Street Loading and Unloading Spaces. On every lot on which a business, trade or industry use is hereafter established, space shall be provided as herein indicated for the loading and unloading of vehicles off the public street or alley. Such spaces shall have access to an alley or, if there is no alley, to a street.

Minimum loading and unloading space requirements are:

1. Retail Business. One space of at least ten by thirty feet for each 3,000 square feet of gross floor area or fraction thereof.
2. Wholesale Business and Industry. One space of at least ten by sixty feet for each 10,000 square feet of gross floor area or fraction thereof.
3. Bus and Truck Terminals. Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.
4. Automobile Sales. Sufficient spaces of at least ten by seventy feet for unloading of the maximum number of vehicle delivery trucks to be unloaded at any one time.

## **ARTICLE XII**

### **PLANNED UNIT DEVELOPMENTS**

Section 1200. Purpose of Planned Unit Developments. The purpose of Planned Unit Developments is to encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The City gains the advantages of variety in building types, compatibility of uses and optimum community development. Review of the development plan by the Planning and Zoning Commission and formal approval by the Mayor and City Council provides an opportunity to assure that the development will be in harmony with the character of the neighborhood in which the development is located.

The Planned Unit Development is not intended to encourage greater density of development but rather to encourage ingenuity and resourcefulness in land planning. The Planned Unit Development is, furthermore, not intended to enhance the value of property for speculative purposes. Approval of a Planned Unit Development is therefore conditional, and if construction is not commenced within one year, and pursued in an orderly manner toward completion, the Mayor and City Council may upon written notice to the property owner, abolish the zoning or reduce the size of the tract to fit the scope of actual development. All Planned Unit Developments will be approved as a conditional use based upon detailed plans submitted. No changes to the approved plan may be made without review by the Planning Commission and approval by the Mayor and City Council.

Section 1201. Types of Planned Unit Developments. The following types of Planned Unit Developments are authorized by this Ordinance.

#### **TYPE OF DEVELOPMENT**

1. Planned Residential Developments
2. Planned Commercial Centers
3. Planned Industrial Parks
4. Planned Office-Institutional Parks
5. Planned Townhouse Developments
6. Planned Mixed Use Development (Combinations of Residential, Commercial, Office-Institutional, Townhouse or Industrial uses)

Section 1202. Ownership Control. All of the land in a Planned Unit Development shall be owned initially by an individual, by a corporation or by some legal entity. Individual properties in a Planned Unit Development may be sold after a plat has been recorded, with the

properties subject to private deed covenants that assure the continuance of the Planned Unit Development as originally approved and developed.

Section 1203. Standards Applying to All Planned Unit Developments. All Planned Unit Developments shall meet the following standards and such other requirements as are set forth with respect to each of the six permitted types of Planned Unit Developments.

1. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.
2. The development shall not adversely affect developed or undeveloped neighboring properties.
3. The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations.
4. Water, sewerage, and street facilities shall be adequate for the proposed development or there shall be a definite proposal for making them so.
5. Yards. The yard requirements of the zoning district or districts in which the Planned Unit Development is located may be waived by the Planning Commission except along the exterior boundaries of the development. Buffer Zone Requirements shall be met.
6. Off-Street Parking and Loading and Unloading Requirements. The off-street parking and loading and unloading requirements of this Zoning Ordinance shall be met.

Section 1204. Standards Applying to Planned Residential Developments.

1. Location. A Planned Residential Development may be located within any Residential zoning district if it meets all of the required standards for Planned Residential Developments.
2. Permitted Uses. A Planned Residential Development may contain single-family houses (including modular homes but not mobile homes), two-family houses, row houses, town houses, condominiums, or multifamily houses or a combination of them plus customary home occupations and customary residential accessory buildings and uses. Each separately zoned portion of the development must comply fully with the land use and density requirements of the zoning district in which that portion of the development is located.
3. Common Open Space Requirements. At least 550 square feet per dwelling unit in a Planned Residential Development shall be reserved for open space, parks, other recreation, or other public uses. However, the Planning Commission, at its discretion, may substitute the options in (g) or (h) for the above requirements.
  - a. The streets, buffers, and parking areas shall not be credited toward the minimum open space requirements.

- b. The required open space shall be developed and landscaped by the developer.
- c. If requested by the City, the owner of the Planned Residential Development shall deed to the City the land set aside as required open space.
- d. If the City does not request that the land be deeded to it, then the open space shall be deeded to a Property Owners' Association comprised of residents of the Planned Residential Development for the operation and maintenance of the open space for the benefit of the residents. The organization of the Property Owners' Association and its adequate financing for the discharge of its responsibilities shall be assured through acceptable private deed covenants running with the land.
- e. In event the Property Owners' Association fails to maintain the common open space properly, the City may serve written notice upon the Property Owners' Association and upon the residents and owners of the Planned Residential Development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 15 days of the notice.

If the deficiencies are not corrected within the said 30 days, the City, in order to preserve the taxable values of the properties within the Planned Residential Development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for one year and thereafter until the Property Owners' Association is prepared to provide proper maintenance.

The cost of such maintenance by the City shall be assessed against the properties within the Planned Residential Development that have a right of enjoyment of the common open space and shall become a tax lien upon said properties.

- f. Not more than thirty percent (30%) of the land reserved for open space may lie in the 100 year flood plain.
- g. The common open space requirement may be waived when the minimum lot size within the development equals or exceeds the zoning district dwelling unit area.
- h. The common open space may be waived if no more than 10% of the lots within the development are undersized and no lot within the development is less than 90% of the minimum lot size.

- 4. General Private Deed Covenants. The entire Planned Residential Development shall be included within private deed covenants running with the land to assure

the continuance of the Planned Residential Development in accordance with approved plans and development.

5. Minimum Lot Sizes. The minimum lot sizes of the zoning district in which the Planned Residential Development is located may be waived by the Planning Commission.
6. Height. The height limitations of the zoning district in which the Planned Residential Development is located may be waived by the Planning Commission.
7. Gross Density. The overall maximum density of a Planned Residential Development shall not exceed the density of the zone in which it is located.

Section 1205. Standards Applying to Planned Commercial Centers. Within the Central Business District, or any Neighborhood and Highway Service Business District, a Planned Commercial center may be permitted if it meets the following conditions:

1. Location. A Planned Commercial Center shall have access and egress on a Major street.
2. Use Regulations. Any uses permitted in the Commercial zoning district in which it is located may be included.

Section 1206. Standards Applying to Planned Industrial Parks. Within any Light Industry or Heavy Industry zoning district, a Planned Industrial Park may be permitted if it meets the following conditions:

1. Location. A Planned Industrial Park shall have access and egress on a Major street.
2. Minimum Lot Sizes. The minimum lot sizes of the zoning district in which the development is located may be waived by the Planning Commission.
3. Use Regulations. Any uses permitted in the Industrial district in which the development is located may be included.

Section 1207. Standards Applying to Planned Office Institutional Developments. Within the Central Business District or any Office-Institutional, or Neighborhood and Highway Service Business District, a Planned Office Park may be permitted if it meets the following conditions:

1. Location. A Planned Office Park shall have access and egress on a major street or collector street.
2. Minimum Lot Sizes. The minimum lot sizes of the zoning district in which the development is located may be waived by the Planning Commission.
3. Use Regulations. Any uses permitted in the district in which the development is located may be included.

4. Height. The height limitations of the zoning district in which the development is located shall be observed.

Section 1208. Standards Applying to Planned Townhouse Developments. Within any R-1, R-2 or R-3 Residential District, Planned Townhouse Developments are permitted if the following conditions are met:

1. The Common Open Space requirements for Planned Residential Developments shall be met.
2. Location. A Planned Townhouse Development shall have access and egress on a major street or collector street.
3. Minimum Lot Sizes. The minimum lot sizes of the zoning district in which the development is located may be waived by the Planning Commission.
4. Use Regulations. Any uses permitted in the district in which the development is located may be included.
5. Height. The height limitations of the zoning district in which the Planned Townhouse Development is located may be waived by the Planning Commission.

Section 1209. Standards Applying to Planned Mixed Use Developments. Where a developer proposes to incorporate more than one land use category within a single Planned Unit Development, it will be necessary to request formal rezoning for those portions of the development in conflict with existing zoning. The mixed use development may then be permitted if it meets the following conditions:

1. Nonresidential portions of the development may not be used in computing maximum development density. Each separately zoned portion of the development must comply fully with the land use and density requirements of the zoning district in which that portion of the development is located.
2. Buffer zones between residential and nonresidential portions of the development shall not be less than the minimum buffers otherwise required.
3. Location. A Planned Mixed Use Development shall have access and egress on a major street.
4. Lot Sizes. The minimum lot sizes of the zoning districts in which the development is located may be waived by the Planning Commission.
5. Use Regulations. Land uses within the Mixed Use Development shall comply with the use regulations for the zoning district in which that portion of the development is located.
6. Height. The height limitations of the zoning districts in which the Planned Mixed Use Development is located may be waived by the Planning Commission.

Section 1210. Advertising and Posting PUD. All plans for a Planned Unit Development shall be reviewed by the Planning Commission and Approved by the Mayor and City Council as

a Conditional Development. All public notice and hearing requirements of Article XV shall be applied.

### **ARTICLE XIII**

#### **TWO-FAMILY, TOWNHOUSE, AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS**

**Section 1300. Applicability.** All two-family, townhouse, and multi-family developments in excess of twelve units on properties zoned R-1, R-2, R-3, or R-4 are subject to the provision of Article XIII, Two-Family, Townhouse, and Multi-Family Residential Development Standards.

**Section 1301. Density Limitations.** All two-family, townhouse, and multi-family developments in excess of twelve units proposed on properties zoned R-1, R-2, R-3 or R-4 within the City of Bremen prior to December 8, 2003, 1999, shall be developed in accordance with the following development standards. With all utilities available, the maximum allowable density for properties zones R-1 is 5.81 units per acre. For properties zoned R-2, the maximum allowable density is 8.71 units per acre. For properties zoned R-3, the maximum allowable density is 12.10 units per acre. For properties zoned R-4, the maximum allowable density is 10.00 units per acre. All two-family, townhouse, and multi-family units shall be served with public sewer and conform to the requirements of the Americans with Disabilities Act (ADA).

All properties rezoned to R-1, R-2, R-3 or R-4 with the City of Bremen after December 8, 2003, for the purposes of two-family, townhouse, or multi-family developments in excess of twelve units shall be developed in accordance with the following development standards with a change of density. With all utilities available, the maximum allowable density for properties zoned R-1 and R-2 is four (4) units per acre. For properties zoned R-3, the maximum allowable density is nine (9) units per acre. For properties zoned R-4, the maximum allowable density is eight (8) units per acre.

**Section 1302. Unit Limitations.** Two-family, townhouse, and multi-family developments in R-1, R-2, R-3 and R-4 districts shall be limited to no greater than 120 units.

**Section 1303. Units Per Building Limitations.** There shall be no more than eight (8) dwelling units in any single or two (2) story multi-family building and no more than twelve (12) dwelling units in any three (3) stories or higher multi-family building. Multi-family buildings must be separated by a minimum of 20 feet of landscaped open space.

**Section 1304. Long-term Maintenance Requirements.** In addition to all inspections and approvals required during construction by the City's Building Official, all two-family, townhouse, and multi-family projects shall require the owner to provide periodic inspections by a licensed architect or professional engineer confirming all major construction components conform to all applicable codes and regulations. Upon completion of the project and prior to the issuance of a certificate of occupancy, the architect or engineer must certify that the project has been built in accordance with all applicable codes, laws, ordinances, regulatory standards, etc.

In addition to meeting all other applicable criteria for the issuance of a Certificate of Occupancy, all developments subject to this Article shall be required to enter into a "Long-Term Maintenance Compliance Agreement" with the City of Bremen as a condition for receiving a Certificate of Occupancy.

Said Agreement shall require that the owner submit to a comprehensive maintenance compliance inspection every two (2) years conducted by the City Building Official, his agents, or designee. At its discretion, the City may also ask other agencies with prescribed jurisdictional authority to participate in the inspection. The owner shall have the right to be represented at the inspection. The purpose of the inspection shall be to determine the development's compliance with all applicable codes, laws, ordinances, regulatory standards, guidelines, etc.

Any violations, deficiencies, or non-compliance determined by the inspection must be corrected by the owner consistent with the applicable provisions of the City's Housing and/or Building Codes. Violations, deficiencies, or non-compliance determined by other agencies must be corrected as directed by the respective agency.

The Agreement required herein shall be recorded with the deed for the property and shall be binding on all subsequent owners of the development. The Agreement must be transferred to and assumed by all subsequent owners as a condition of any sale.

Nothing in this section shall preclude the Building Official, any other City representative, or any other agency so authorized, from conducting additional inspections and ordering other corrective actions at any time as may be provided for by code, law, ordinance, regulatory standards, guidelines, etc.

Section 1305. Security. All developments shall have gated entrances and exits which must be operational at all times.

Section 1306. Site Plan Required. Prior to the issuance of a building permit, a site plan shall be submitted pursuant to Section 1402.

Section 1307. Location. The parcel shall have primary ingress and egress from a major or collector street.

Section 1308. Traffic Study Required. All applications for two-family, townhouse, and multi-family projects shall include a traffic impact study for an impact area that includes all the surrounding street network for a radius of one-half mile from the property boundaries and all other public streets for which the project traffic accounts for at least ten (10) percent of the total traffic during either a.m. or p.m. peak hours. The traffic study shall include accident history, traffic volumes, turning movement counts, trip generation, trip distribution, and impacts on traffic levels of service. If the traffic study indicates that the additional traffic from the proposed development will cause traffic levels of service to degrade below Level of Service "C" for public streets in the impact area for which the current level of service is "C" or better, then the City shall require that the development plan be modified in such a way to ensure continued operation at Level of Service "C" or better.

Section 1309. Buffers. All two-family, townhouse, and multi-family developments shall provide an undisturbed natural buffer of at least 50 feet in width adjacent to properties developed with single-family detached dwelling units or vacant land zoned R-10, R-12, R-15, or R-20. The required buffer shall provide an effective visual screen between proposed developments and existing adjacent uses. However, if the Planning Administrator determines that, because of the natural topography and vegetation, the buffer would not provide an

adequate visual separation, a six (6) foot solid fence or wall constructed at the property line may be required to adequately buffer dissimilar uses.

Section 1310. Utilities/Street Lighting. All two-family, townhouse, and multi-family projects shall be designed and constructed with street lights and underground utilities.

Section 1311. Recreation Space. For all two-family, townhouse, and multi-family developments a minimum of twenty percent (20%) of the total acreage shall be reserved for recreational space.

Recreational space is that portion of the total open space, plus enclosed floor area which is reserved and improved for the common recreational use of residents and their guests of two-family, townhouse, and multi-family developments.

The recreation space shall be effectively separated from automobile traffic and parking and shall be readily accessible to the occupants of the dwellings units.

The recreation space does not include space devoted to streets or parking, rights-of-way, or utility easements. A smaller recreation space may be acceptable if the Planning and Development Administrator determines the specific user needs of the proposed development require a smaller space.

Section 1312. Laundry Facilities. Each unit shall be constructed to accommodate washers and dryers.

Section 1313. Bedroom Requirements. A one (1) bedroom unit shall house no more than two (2) residents. A two-bedroom unit shall house no more than four (4) residents. A three (3) bedroom unit shall house no more than six (6) residents.

Section 1314. Net Density. Net density shall be utilized in calculating density for proposed developments. Acreage in floodplains, wetlands, public rights-of-way, and overhead utility easements shall not be included in density calculations. If floodplain areas are to be built upon or developed for uses such as common areas or amenities, the floodplain area to be developed can be included in density calculations. Floodplain areas left in their natural state cannot be included in density calculations.

Section 1315. Minimum Unit Size in Relation to Number of Bedrooms. For properties zoned R-1, R-2 and R-3, minimum unit size in relation to number of bedrooms is as follows:

<u>Unit Type</u>	<u>Minimum Heated Area</u>
1 Bedroom	800 Square Feet
2 Bedroom	1,000 Square Feet
3 Bedroom	1,200 Square Feet

Section 1316. Project Exaction Fee. For each acre or portion thereof claimed as net density (see Section 1314) in a proposed development, there shall be a "Project Exaction Fee" of \$8,588 per acre for projects approved in Calendar year 2004. For each calendar year thereafter, the "PEF" shall be adjusted by the percentage of the "CPI" for the previous 12-month period unless the Mayor and City Council approve an alternative percentage adjustment. "CPI" means the Consumer Price Index for all urban consumers, U.S. City Average, all items issued by the Bureau of Labor Statistics for the United States Department of Labor.

The "PEF" must be paid in full prior to the issuance of any development permits by the City of Bremen.

Section 1317. Waiver of Development Standards. Subject to the public notice and review process required for a rezoning, the Bremen Planning Commission may recommend to the Mayor and City Council to waive or modify certain provisions of Article XIII for developments meeting one or more of the following conditions:

1. The proposed development is a project of the Bremen Housing Authority.
2. The proposed development is located in a "redevelopment" area of the City as delineated by the Mayor and City Council.
3. The proposed development will ameliorate identified sub-standard housing conditions in the City.
4. The proposed development will reduce the density of an existing two-family, townhouse, or multi-family development by 33% or more.
5. The proposed development is part of a mixed use Planned Unit Development (PUD) which includes a single-family component with the same number of units as the two-family, townhouse, or multi-family component.
6. The Mayor and City Council determine the proposed development will specifically provide and serve eligible tenants of affordable/special needs housing.

If the Planning Commission recommends a waiver or modification to certain provisions of Article XIII, the final authority for granting said waiver or modification shall rest with the Mayor and City Council who may vote to approve the waiver/modification; deny the waiver/modification or substitute an alternative waiver/modification.

## **ARTICLE XIV**

### **ADMINISTRATION, ENFORCEMENT, PENALTIES, AND REMEDIES**

Section 1400. Zoning Enforcement Officer. This Ordinance shall be administered and enforced by the City Manager and/or his or her designated representatives, who shall be appointed by the City Manager. The powers and duties of the City Manager and/or his or her designee include:

1. Examining and approving applications pertaining to the use of land, buildings, or structures when the applications conform to provisions of this Ordinance.
2. Authorizing issuance by the City of all Building Permits and Certificates of Occupancy, and keeping permanent records thereof.
3. Conducting such inspections of buildings, structures, and uses of land as are necessary to determine compliance with the provisions of this Ordinance.

4. Maintaining permanent and current records of the Zoning Ordinance including maps and amendments.
5. If the Zoning Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 1401. Building Permit Required. No building or structure shall be erected, moved, added to, demolished, or structurally altered without a building permit being authorized and issued by the Zoning Enforcement Officer unless the aggregate total cost of labor and material involved in such work is less than five hundred dollars, as estimated by the Zoning Enforcement Officer using current average cost estimates. No building permit shall be issued except in conformity with the provisions of this Ordinance.

Section 1402. Application for Building Permit. All applications for building permits shall be made to the Zoning Enforcement Officer shall be accompanied by plans in duplicate, drawn to scale, and showing the actual dimensions of the lot be built upon, the sizes and location on the lot of any existing buildings or structures, the shape, size, height, use, and the location on the lot of the building or structure proposed to be erected or altered, setback lines, buffer zone, and such other information as may be necessary to provide for the enforcement of this Ordinance. The plans shall include the following items:

1. Project name;
2. Project owner and address;
3. Date, scale, north arrow;
4. Vicinity map;
5. Owner and use of adjacent properties;
6. Property lines and dimensions;
7. Total project acreage;
8. Proposed use of property to be developed;
9. Required yard setbacks appropriately dimensioned;
10. Location of buildings and the square footage in each;
11. Existing and future right-of-way of adjacent street, including names of streets and width of pavement;
12. Topography at 5' contour intervals for properties greater than one acre, topography at 2' contour intervals for properties less than one acre;

13. Location of driveway ingress and egress including dimensions for curb radius, driveway width, and distance to nearest street intersection;
14. All existing and proposed off-street parking space, loading stations, bays and walkways, including the type of servicing, angle of stalls, dimension of stalls, width of access aisle and schedule listing total number of parking stalls by type;
15. Location of buffers/screening, identifying the plant material by name, spacing of plant material and total number of plants by species;
16. Dumpster location;
17. Location of 100 year flood plain;
18. Any other data requested in writing by the zoning enforcement officer necessary to an understanding and evaluation of the project.

If the plans conform to the provisions of this Ordinance, the City building codes and other Ordinances of the City, the permit shall be issued upon payment of the required fee. If compliance does not result, the building permit shall be refused by the City stating such refusal in writing with the cause.

Development standards and ordinance requirements in effect on the date of approval of development plans for a specific project shall remain in effect for a period of twenty-four months. Any work performed within the approved development under a building permit issued after the twenty four month period has expired shall be accomplished in accordance with the then current standards and ordinance requirements.

Section 1403. Fees. The Mayor and City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the City Clerk and may be altered and amended only by the Mayor and City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1404. Construction Progress. If no substantial construction progress has been made within six months of the date of issuance of the building permit, the permit becomes invalid. The permit may be reissued only upon completion of the application procedure outlined in Sections 1402 and 1403 of this Ordinance.

Section 1405. Certificate of Occupancy. A certificate of occupancy authorized and issued by the Zoning Enforcement Officer shall be required in advance of:

1. The initial use or occupancy of a lot.
2. Any change in the use or occupancy of a lot.

3. The initial use and occupancy of a building erected after enactment of this Ordinance.
4. Any change in the use of a building existing at the time of enactment of this Ordinance.
5. The change in use, extension, alteration, or reconstruction of any nonconforming use existing at the time of the enactment of this Ordinance or an amendment thereto. The certificate of occupancy shall state specifically wherein the nonconforming use fails to meet the provisions of this Ordinance.

Except in the case of nonconforming uses existing at the time of the enactment of this Ordinance or an amendment thereto, no certificate of occupancy shall be issued unless the lot, building, or structure complies with the provisions of this Ordinance.

A record of all certificates of occupancy shall be kept on file in the office of the Zoning Enforcement Officer and a copy shall be furnished on request, to any person having a proprietary or tenancy interest in the lot, building, or structure involved.

Section 1406. Penalties for Violation. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor, and, upon conviction shall be punished for each offense according to the Charter, Codes, and Ordinances of the City. Each day such violation continues shall constitute a separate offense.

Section 1407. Remedies. If any building or structure is erected, constructed, moved, added to, demolished, structurally altered, maintained, or used in violation of this Ordinance, any appropriate authority, or any property owner whose property would be damaged by such violation may file a written complaint with the Zoning Enforcement Officer stating fully the causes and basis for the complaint. The Zoning Enforcement Officer shall properly record such complaint, shall immediately investigate, and shall take action thereon as provided by this Ordinance. Nothing herein shall, however, prevent any person from instituting injunction, mandamus, or other appropriate action in proceeding to stop the violation in the case of such building, structure, or land.

## **ARTICLE XV**

### **BOARD OF DEVELOPMENT APPEALS**

Section 1500. Establishment of Board of Development Appeals. There is hereby created a Board whose title shall be "The Bremen Board of Development Appeals" (hereinafter "Board").

1. The Board shall be a part of the planning functions of the City of Bremen and shall hear and decide appeals to the following Ordinances and/or Codes:
  - a. Zoning Ordinance
  - b. Sign Ordinance
  - c. Subdivision Ordinance
  - d. Soil and Sedimentation Control Ordinance

- e. Flood Damage Prevention Ordinance
- f. Standard Unsafe Building Abatement Code
- g. Standard Building Code (and its associated Codes)

2. The Board shall consist of three (3) members, appointed by the Mayor and City Council and shall serve at the pleasure of the Council. All members shall be residents of the City of Bremen, Georgia, and shall be persons who have demonstrated special interest, experience or education in development activities.
3. Members shall serve three-year terms. Members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be one (1) member for one (1) year; one (1) member for two (2) years; and one (1) member for three (3) years. All subsequent appointments shall be for terms of three (3) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
4. No member of the Board shall hold any other public office. Members shall not receive compensation other than for actual expenses.
5. The Board shall elect one of its members as Chairman and a second member as Vice-Chairman. The Chairman and Vice-Chairman shall serve for a one (1) year term or until re-elected or their successors are elected. The Board's Secretary shall be an employee of the City.

Section 1501. Procedures of the Board of Development Appeals. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

1. The Board shall fix a reasonable time for a hearing of an appeal or other matters referred to it, and give at least fifteen (15) days notice of the time, place, and issue to be decided, published in a newspaper of general circulation in the City. Adjacent property owners shall be given notice by first-class mail at their last known address as shown on the records of the Carroll or Haralson County Tax Commissioner and said notice shall be deemed sufficient when deposited in the U.S. Post Office with sufficient postage thereon to insure delivery.
2. Said issue to be decided within a reasonable time by a majority vote. At all meetings of the Board, a quorum of two members shall be present (the Presiding Officer shall be entitled to a vote on all issues) and Robert's Rules of Order shall apply.
3. Transcripts, if desired, shall be the responsibility of the affected party.
4. Any party with business before the Board may appear in person or by agent or by attorney.
5. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact,

and shall keep records of its examinations and other official actions, all of which shall be filed in the Office of the City Clerk and shall be public record.

Section 1502. Powers of the Board of Development Appeals. The Board of Development Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the City in the enforcement of these ordinances or codes.
2. To hear and decide special exceptions to the terms of these ordinances or codes upon which the Board is required to pass.
3. To authorize upon appeal in specific cases such variance from the terms of this zoning regulation as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

Such variance may be granted in such individual case of unnecessary hardship upon finding by the Board of Development Appeals that condition “e” and one additional condition is applicable:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
  - b. The application of the subdivision regulation to this particular piece of property would create an unnecessary hardship;
  - c. Such conditions are peculiar to the particular piece of property involved;
  - d. Such conditions are not a result of any action of the property owner;
  - e. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this regulation.
4. In exercising the above powers the Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as the Board deems proper, and to that end shall have the powers of the officer from whom the appeal is taken.

Section 1503. Appeals to the Board of Development Appeals. Appeals to the Board may be made by any person dissatisfied by a decision or interpretation made by the City Official charged with the enforcement of the Ordinances listed in Section 1500. Such appeal shall be made within thirty (30) days from the date the appellant is notified of an adverse decision of the City by filing with the Secretary of the Board a notice of appeal specifying the grounds thereof. The Secretary shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the City certifies to the Board after the notice of appeal shall have been filed with the Secretary of the Board, that by reason of facts stated in the certificate, a stay would, in the City's opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction.

Section 1504. Appeals from Decision of Board of Development Appeals. Any person aggrieved by any decisions of the Board, may take an appeal to the Superior Court. Said appeal to the Superior Court shall be the same as an appeal to the Superior Court from any decision made by the Probate Court, except, however, that said appeal may be filed within thirty (30) days from the date of the decision of the Board, and upon failure to file said appeal within the thirty (30) days the said decision of the Board shall be final.

Section 1505. Building Permits. If building permits have not been issued within one year of the date of the granting of a variance, the variance becomes invalid. For the variance to retain its valid status a building permit must be issued and work must be in progress within one year of the date of the granting of a variance. Once invalid, the variance may be reconsidered only upon resubmitting a new application to the Board of Development Appeals.

## **ARTICLE XVI**

### **AMENDMENTS**

Section 1600. Amendments Permitted. This Zoning Ordinance, including the Zoning Map may be amended from time to time by the Mayor and City Council of Bremen, Georgia.

Section 1601. Amendment Procedure. The procedure for amending this Zoning Ordinance shall be as outlined below:

1. Any person or persons desiring to submit a petition requesting a change in zoning shall file such petition, with a plat of the affected property attached thereto, together with a payment of the amount determined by the Mayor and City Council from time to time as an appropriate fee for same to cover administrative costs, with the City Clerk. The petitioner may also be required to submit additional information as may be useful and necessary to deliberations regarding the zoning change.
2. All amendments shall be proposed by or shall first be submitted to the Planning Commission for review and recommendation prior to adoption by the Mayor and City Council. The Planning Commission shall have sixty days within which to complete its review and submit a report and recommendations to the Mayor and City Council. During the sixty day review period, the Planning Commission shall hold a public hearing on the proposed amendment. At least fifteen days notice of the time and place of any such public hearing shall be published in a newspaper of general circulation in the City. If the Planning Commission fails to submit a report to the Mayor and City Council within the sixty day review period, it shall be deemed to have approved the proposed amendment. Withdrawal of an application before the Planning Commission is allowed, however, such withdrawal is governed by the following: (a) Any applicant withdrawing his petition after the first reading and advertisement of the application but prior to the formal consideration by the Planning Commission can reapply but there can be no resubmission for consideration prior to a thirty (30) day waiting period; and (b) any withdrawal after formal action of the Planning Commission shall require a ninety (90) day waiting period prior to resubmission for consideration.
3. After the sixty day Planning Commission review period, proposed amendments to this Zoning Ordinance shall be submitted to the Mayor and City Council for adoption or rejection. Before the Mayor and City Council acts on an amendment to this Zoning Ordinance, it shall hold a public hearing thereon, at least fifteen days notice of the time and place of which shall be published in a newspaper of general circulation in the City.
4. Application fees shall be established by the Mayor and Council and must accompany all application requests. The fee is waived for applications initiated by the Planning Commission or the Mayor and Council. Applications must be

submitted at least seven (7) days prior to the next regularly scheduled meeting of the Planning Commission. The fee shall not be refundable after the application has been submitted regardless of any future action under this ordinance.

5. The Planning Commission review shall consist of two (2) hearings. The first hearing is to officially recognize the proposed amendment and place said amendment on the agenda and is known as a first reading. The second hearing, known as a second reading, is the public hearing following published notice and is the hearing to determine the disposition report to be forwarded to the Mayor and City Council.
6. Posting Notice of Rezoning Petition:
  - a. At least fifteen (15) days prior to the second reading before the Planning Commission, signs shall be posted on the property notifying interested persons that a rezoning petition has been filed. Failure to post or maintain the Notice shall not, however, invalidate the actions taken.
  - b. Zoning decisions initiated by the Planning Commission or the Mayor and City Council shall require a public hearing on the proposed action; notice of said hearing to be published in the Legal Organ of Carroll County at least 15 days but not more than 45 days prior to the date of the hearing. The notice shall state the time, place, and purpose of the meeting. In addition, for rezoning, variance, or annexation actions initiated by property owners, notice shall be given by first-class mail to all property owners involved, including all contiguous property owners of record, at their last known address and said notice shall be deemed sufficient when deposited in the U.S. Post Office.
  - c. Said signs shall be located on private property but within one (1) foot of the public right-of-way upon which said business or proposed use fronts.
  - d. The signs shall be placed on the property at 500-foot intervals. If the property in question has a 500-foot or less frontage, only one (1) sign is required. Where property does not front on an existing right-of-way, said sign shall be placed within one (1) foot of the right-of-way of the nearest street or road. Where the property borders more than one public right-of-way, signs shall be posted on all contiguous rights-of-way.
  - e. The sign shall include the following:
    - (1) Notice of rezoning hearing
    - (2) Date, time, and location of hearing
    - (3) Present zoning
    - (4) Proposed zoning
    - (5) Property map
    - (6) Name of applicant
    - (7) Name and telephone number of Planning Commission staff member where addition information may be obtained.
7. The following procedures apply to all amendment hearings:
  - a. At all hearings a quorum of the Planning Commission or Mayor and City Council members shall be present.

- b. All hearings shall be open to the public.
  - c. Roberts' Rules of Order shall apply.
  - d. All decisions shall be by a majority vote.
  - e. Transcripts, if desired, shall be the responsibility of the affected party.
8. There shall at all times be an attempt in making a decision to balance the interest in promoting the public health, safety, morality, and general welfare against the right to the unrestricted use of the property of the individual citizen. One or more of the following may be considered in arriving at all decisions.
- a. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
  - b. Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?
  - c. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?
  - d. Are there substantial reasons why the property cannot or should not be used as currently zoned?
  - e. Will the proposed use not cause an excessive or burdensome use of public utilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?
  - f. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?
  - g. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

In addition to the review criteria listed above, the following review criteria shall be utilized in the review of rezoning applications for two-family developments (duplexes), townhouse developments, and multi-family developments (apartments) in excess of twelve units.

- 1. Rezoning for two-family, townhouse, and multi-family uses should not be permitted on parcels that are surrounded on more than two sides by property that is either used for single-family residential uses or zoned R-12, R-15, or R-20.

2. The parcel shall have primary ingress and egress from a major collector street.
3. The parcel should be served with public water and sewer.
4. The rezoning of parcel should not require more than two steps up in district intensity compared to its current zoning district.
5. Rezoning for two-family, townhouse, and multi-family uses should be evaluated in the context of the comparatively greater impacts of multi-family housing on City services when considered as a land development pattern; and the City's policy to limit the amount of multi-family housing to the proportion that currently exists, approximately fifty percent (50%) of the total housing stock.

Section 1602. Amendment to Official Zoning Map. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Mayor and City Council. The date of amendment and signature of the Mayor shall be entered on the Official Zoning Map in connection with any changes made on the Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Mayor and City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map. Any such replacement map shall bear the date of adoption and signature of the Mayor.

Section 1603. Information Showing Proposed Use. An application for an amendment to re-zone any land or to create or extend any zoning district may be accompanied by such documents and information as are necessary to show proposed changes in land use and proposed development to occur as a result of the amendment.

Section 1604. Conditional Development. Each category for zoning shall have a subhead thereunder to be known as "Conditional" for that category.

1. Whenever any amendment for amending or altering this Zoning Ordinance is accompanied or supported by specific plans and design for a particular development and use, and the Mayor and City Council, after public hearing as provided in Section 1501, approve such specific plans and design and this Ordinance is amended accordingly, said amendment may be qualified as

"conditional" under that category and the Planning Administrator shall issue a building permit for the development of said property only in strict compliance with the plan submitted.

2. Plans supporting the approval and procedure outlined in subparagraph 1 above shall be submitted in triplicate. Upon approval by the Mayor and City Council said plans shall bear a certificate by the City Clerk indicating said approval. One

copy of said plan shall be maintained by the City Clerk as a part of the record of rezoning, one copy filed with the Zoning Enforcement Officer and one copy returned to the applicant.

3. If for any reason, development and use of the property approved in accordance with the procedure outlined in subparagraphs 1 and 2 above cannot be accomplished, such plans shall not be altered, changed or varied, except after approval by the Mayor and City Council.
3. If no building permit or certificate of occupancy, based upon approved plan and amendment, is issued within twelve months from the date of approval of any such "conditional" rezoning, the Mayor and City Council may, on its own motion, cause the property to revert to its original zoning category after notice by U. S. Mails addressed to the original applicant for rezoning or to such other person as may be substituted for said original applicant upon the records of the Clerk, and reasonable opportunity to said applicant to oppose the reversion to the original zoning category.

Section 1605. Reconsideration by Mayor and City Council. No application for rezoning property within the City shall be considered unless it shall affirmatively appear that the area requested to be rezoned has not been considered by the said Mayor and City Council for that same rezoning (within a period of twelve months) immediately preceding the application.

## **ARTICLE XVII**

### **LEGAL STATUS PROVISIONS**

Section 1700. Conflict with Other Laws. Whenever the regulations of this Ordinance require a greater lot width or depth or size of yards, or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute or covenants require more restrictive standards than are required by this Ordinance, the provisions of such statute or covenants shall govern.

Section 1701. Separability. Should any Article or Section of this Ordinance be declared invalid or unconstitutional by any Court or Competent Jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 1702. Repeal of Conflicting City of Bremen Ordinances. All City of Bremen ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 1703. No Prejudice to Pending Applications. Notwithstanding anything to the contrary herein, this Ordinance shall not in any way prejudice or affect any pending application for rezoning before the Planning Commission of the City of Bremen or the Mayor and Mayor and City Council of the City of Bremen.

Section 1704. No Legality to Non-Conforming Uses. Nothing herein shall be considered to approve or give legality to any nonconforming use which has been discontinued more than six months within the City of Bremen.

Section 1705. Zoning Map of the City of Bremen. As of the effective date of this Ordinance the revised Zoning Map of the City of Bremen is formally adopted.

Section 1706. Effective Date. This Ordinance shall take effect and shall be in force from and after the date of its adoption, the public welfare demanding it.

Section 1707. Conditional Zoning. Notwithstanding anything to the contrary which might appear in this Ordinance, the Mayor and Council shall have all powers to approve and to enforce conditional zoning not otherwise prohibited by state and federal law.

## **Resolution Amending The Zoning Ordinance Of The City Of Bremen**

Be it resolved by the Mayor and City Council of the City of Bremen that the Zoning Ordinance adopted on 12-8-2003, as from time to time amended, and specifically:

Article V, Use Provisions, Section 510, Office-Institutional District (O-I); Said Section as amended shall read as following:

Section 510. Office-Institutional District (O-I). The OI Office-Institutional District is established to provide a location for educational and other types of institutions, offices, and related retail and service facilities.

In the OI Office-Institutional District, the following uses are permitted:

1. Any use permitted in the R-12 district.
2. Offices providing professional services.
3. Banks and other financial institutions.
4. Churches.
5. Lodges, clubs, fraternal and social organizations.
6. Radio and television studio, provided that antennas are at least 200 feet from the nearest residential property line.
7. Art galleries, craft shops, florists, and specialty shops.
8. Service facilities including photo processing, quick copy, mail and messenger service, travel agency, taxidermist, and upholstery shops.
9. Music and dance schools and studios.
10. Interior Decorators
11. Barber shops and beauty shops.
12. Locksmith or gunsmith provided no firing range is included.
13. Health spa, physical fitness and martial arts training facilities.
14. Dormitories, fraternal organizations, and clubs that provide housing facilities provided that the facilities are located within an established campus complex.

15. Parking lots and parking garages.
17. Research and testing facilities.
17. Public buildings and facilities.
18. Mortuaries.
19. Retail and service facilities located within an office or institutional building and catering to employees, visitors, students, and clients of offices and institutions located within the district.
20. Nursery Schools, Kindergartens and Day Care Facilities with less than seven persons provided that:
  - a. At least 200 square feet of outdoor play area per child is provided on the lot, for all children that will be using the play area at a given time but in no case less than one half the license maximum allowable enrollment;
  - b. The play area is enclosed by a woven wire fence at least four feet high;
21. Day Care Facilities.
22. Nursing and convalescent homes.

Amended this 12/12/2005

## **Resolution Amending The Zoning Ordinance Of The City Of Bremen**

Be it resolved by the Mayor and City Council of the City of Bremen that the Zoning Ordinance adopted on 12-8-2003, as from time to time amended, and specifically:

### **Article III, Definitions, Section 301, Said Section as amended shall include:**

#### Section 301. Definitions.

110. Recreational Vehicle: A manufactured camper, camp trailer, travel trailer, motor home, trailer bus, trailer coach or similar vehicle, with or without motive power, designed for human habitation for recreational or emergency occupancy. Where a recreational vehicle is on or attached to a trailer used to carry or tow said vehicle, they shall together be considered one recreational vehicle. A recreational vehicle shall not include a pickup truck used for transportation to which a camper shell has been attached.

### **Article V, Use Provisions, Section 513, Said Section as amended shall read as follows:**

Section 513. Neighborhood and Highway Service Business District (C-2). The C-2 Neighborhood and Highway Service Business District is established to provide locations for retail trade establishments which furnish convenience goods for surrounding residential areas and for business activities which primarily cater to the traveling public.

In the C-2 Neighborhood and Highway Service Business District, the following uses are permitted:

1. Any use permitted in the C-1 district.
2. Sales and/or service facilities for new and used automobiles, trucks, mobile homes, boats, heavy construction and agricultural machinery, and service equipment provided that they are located on a major street.
3. Theaters and other places of entertainment enclosed in a building.
4. Drive-in theaters provided that the screen does not face on a street.
5. Motels.
6. Retail businesses and service stores, including convenience stores and gasoline and diesel fuel sales.
7. Nurseries providing lawn and garden supplies and plants, including retail sales.

8. Newspaper and printing facilities.
9. Restaurants, including fast-food, drive-in, and cafeteria establishments.
10. Temporary storage uses, permitted by the City Manager, not to exceed 30 days in duration within a six month period and with at least 90 days between periods of use.
11. Temporary sales/services, permitted by the City Manager, not to exceed 10 days in duration within a six month period and with at least 90 days between use periods.
12. Laundry, launderette, washeteria and dry cleaning facilities.
13. Parking lots and parking garages.
14. Automobile, truck, trailer, and equipment rental outlets.
15. Veterinary offices.
16. Mini-warehouses.
17. Adult Entertainment Establishments subject, however, to the Requirements set forth in Section 301-4 and 601.
18. Recreational vehicle/travel trailer campgrounds, provided that the campground shall be developed in accordance with the provisions of the *City of Bremen Campground Standards Ordinance*.

**Article VIII, General Provisions, Said Article as amended shall include:**

Section 813. Reserved

Section 814. Occupancy Of Recreational Vehicles

No recreational vehicle shall otherwise be occupied as a temporary or permanent residential living quarters except in conformance with this Section or the provisions of the *City of Bremen Campground Standards Ordinance*.

Recreational vehicles can be occupied as temporary dwellings as a temporary accessory use, for no more than ten days in any two month period, only if there is a permanent dwelling unit as a principal use on the lot, and only if the vehicle is parked in conformance with this Ordinance. No more than one recreational vehicle can be so occupied on the same lot.

Section 815. Recreational Vehicle Parking

Recreational vehicles parked in any residential zone or residentially-used area shall not be permitted to be parked in any required set-back or buffer area, nor in any front-yard area. Recreational vehicles on residential property shall only be parked in the side or rear yard, within setbacks. No more than two recreational vehicles shall be parked on any single residential lot.

#### Section 816. Use of Vehicle or Trailers for Storage Prohibited

Neither vehicles (whether operable or inoperable) nor trailers (whether on or off their axels) may be used as storage buildings. This shall apply to all vehicles and trailers, including commercial vehicles, recreational vehicles, panel vans, tractor-trailer rigs, railroad box-cars, etc. However, tractor-trailer rigs and trailers may be used for temporary storage on property zoned C-2, M-1, or M-2 only by businesses operating on the same property. Temporary storage means no particular trailer may remain longer than three months.

Amended this 8/14/2006

BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF BREMEN, GEORGIA .

COUNCILMEN:

\_\_\_\_\_  
SHARON SEWELL, Mayor

\_\_\_\_\_  
J. CHRISTOPHER COATS

\_\_\_\_\_  
W. STEPHEN McINTOSH

\_\_\_\_\_  
W. O. PARRISH

\_\_\_\_\_  
DANNY L. ROBINSON

Attested: \_\_\_\_\_  
BEVERLY CASH, City Clerk

## **Amendment To The Zoning Ordinance Of The City Of Bremen**

Be it resolved by the Mayor and City Council of the City of Bremen that the Zoning Ordinance adopted on 12-8-2003, as from time to time amended, and specifically:

### **Article V, Use Provisions, Section 506, Said Section as amended shall read as follows:**

Section 506. Medium Density Residential District (R-2). The R-2 residential district includes areas of medium density residential development. The regulations for this district are designed to provide an area where individuals and families may establish homes in a medium density residential environment which satisfied their need for convenience and economy.

In the R-2 residential district, the following uses are permitted:

6. Any use permitted in the R-1 district provided that two-family developments (duplexes) and townhouse developments in excess of twelve units shall conform to Article XIII, Two-Family, Townhouse, and Multi-Family Residential Development Standards.
2. Multi-family dwelling units with a maximum height of five floors, and with lot size, yard, setback, dwelling size and height requirements as specified in Article VI. In addition to meeting the requirements set forth in Article V, multi-family developments (apartments) in excess of twelve units shall conform to Article XIII, Two-Family, Townhouse, and Multi-Family Residential Development Standards.
3. Nursing and convalescent homes.
4. Motels and Tourist Homes provided that:
  - a. They are located on a major street;
  - b. Buildings are located not less than fifty feet from any property line;
  - c. A buffer strip at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that provide an effective visual screen.
5. Board and rooming houses.
6. Dormitories, fraternal organizations and clubs that provide housing, provided that:

- a. They are located on a major or collector street;
  - b. Buildings are located not less than fifty feet from any property line;
  - c. A buffer strip at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that provide an effective visual screen.
7. Modular homes.
9. Foster Homes, Orphanages, and Institutional Houses for the handicapped.
9. Retirement Homes and Personal Care Houses.
- ~~10. Residential Bed and Breakfast Facilities conforming to the following requirements:~~
- ~~a. There shall be no more than four (4) bedrooms per dwelling unit used for the Bed and Breakfast Operation.~~
  - ~~b. Maximum number of paying guests per day is eight (8). No pets of the paying guests shall be permitted either inside or outside the premises.~~
  - ~~c. Alcoholic beverages shall not be sold to any paying guest at the premises.~~
  - ~~d. All Bed and Breakfast operations shall be subject to the hotel/motel tax of the City of Bremen, Georgia.~~
  - ~~e. The residential Bed and Breakfast shall be located on a lot which complies with the required minimum lot area for existing uses.~~
  - ~~f. The residential Bed and Breakfast shall conform to all codes and regulations of the City of Bremen, Carroll and/or Haralson County where applicable, and the State of Georgia.~~
  - ~~g. The resident owner(s) shall keep a current guest register including names, addresses and dates of occupancy of all guests.~~
  - ~~h. Only one (1) freestanding non-illuminated sign (6 square feet maximum) may be erected on the property.~~
  - ~~i. At least one (1) off-street parking space must be provided on the property for the owner(s) and each guest room. On-street parking is permitted only where otherwise permitted or authorized by City Ordinance.~~

- ~~j. It shall be unlawful for any person to operate a Bed and Breakfast establishment without having first obtained a license from the City of Bremen, the cost of which shall be set by the Mayor and Mayor and City Council for the whole or any part of one (1) year.~~
- ~~(1) Applications for residential Bed and Breakfast shall be notarized and include the location and owner of the property, a site plan of the lot showing the proposed location of the residential bed and breakfast use and the location of the required off-street parking space, and a photograph of the current principal view or views of the structure where the proposed Bed and Breakfast use is to be located. The application shall also include a statement which the resident-owner must sign acknowledging that he or she has reviewed and understands the requirements of this section.~~
- ~~(2) Upon a change in ownership of a property and prior to issuance of a new business license to allow continuation of an existing permitted residential Bed and Breakfast use upon said property, the new property owner(s) shall be required to certify recompliance of the residential Bed and Breakfast use with the City Manager by having an application for the recertification of the Bed and Breakfast use notarized, filed with, and approved by the City Manager.~~

11. Townhouses.

**Article V, Use Provisions, Section 509, Said Section as amended shall read as follows:**

Section 509. Specified Commercial, Office, Neighborhood District (R-5). The R-5 Specified Commercial, Office, Neighborhood District includes specified commercial, office, and low density residential uses. These areas shall provide for permitted, but limited, commercial activities, provide for related services to business and professional offices, and provide for the protection of adjacent residential areas by maintaining compatible architectural styles.

In the R-5 district, the following specified uses are permitted:

1. Any use permitted in the R-12 District.
2. Book stores.
3. Stationery, card, and gift shops.

4. Jewelry shops.
5. Camera shops.
6. Flower shops.
7. Arts and crafts shops.
8. Wearing apparel shops.
9. Specialty service restaurants.
10. Other retail areas having a similar character to those uses listed in paragraphs 1. through 8. above.
11. Offices providing professional services.
12. Public and private educational institutions offering general education courses.
13. Offices serving as support functions for business operations.
14. Churches.
15. Public buildings and facilities.
16. Residential Bed and Breakfast Facilities conforming to the following requirements:
  - a. There shall be no more than four (4) bedrooms per dwelling unit used for the Bed and Breakfast Operation.
  - c. Maximum number of paying guests per day is eight (8). No pets of the paying guests shall be permitted either inside or outside the premises.
  - c. Alcoholic beverages shall not be sold to any paying guest at the premises.
  - d. All Bed and Breakfast operations shall be subject to the hotel/motel tax of the City of Bremen, Georgia.
  - e. The residential Bed and Breakfast shall be located on a lot which complies with the required minimum lot area for existing uses.

- f. The residential Bed and Breakfast shall conform to all codes and regulations of the City of Bremen, Carroll and/or Haralson County where applicable, and the State of Georgia.
- g. The resident owner(s) shall keep a current guest register including names, addresses and dates of occupancy of all guests.
- h. Only one (1) freestanding non-illuminated sign (6 square feet maximum) may be erected on the property.
- i. At least one (1) off-street parking space must be provided on the property for the owner(s) and each guest room. On-street parking is permitted only where otherwise permitted or authorized by City Ordinance.
- j. It shall be unlawful for any person to operate a Bed and Breakfast establishment without having first obtained a license from the City of Bremen, the cost of which shall be set by the Mayor and Mayor and City Council for the whole or any part of one (1) year.
  - (1) Applications for residential Bed and Breakfast shall be notarized and include the location and owner of the property, a site plan of the lot showing the proposed location of the residential bed and breakfast use and the location of the required off-street parking space, and a photograph of the current principal view or views of the structure where the proposed Bed and Breakfast use is to be located. The application shall also include a statement which the resident-owner must sign acknowledging that he or she has reviewed and understands the requirements of this section.
  - (2) Upon a change in ownership of a property and prior to issuance of a new business license to allow continuation of an existing permitted residential Bed and Breakfast use upon said property, the new property owner(s) shall be required to certify recompliance of the residential Bed and Breakfast use with the City Manager by having an application for the recertification of the Bed and Breakfast use notarized, filed with, and approved by the City Manager.

## 17. Event Facilities

### Additional Building/Structure Requirements:

- a. Building/structure to be used as commercial establishments shall not exceed 3,000 square feet in gross floor area.

- b. New construction or alteration of buildings/structures to be compatible with adjacent buildings and must have the approval of the Bremen Planning Commission .

#### Additional Parking Requirements:

All City of Bremen parking requirements now or hereafter enacted shall apply, plus, off-street parking shall be provided and shall only be located to the side or rear of the principal use/building.

#### Signs:

- a. Size - Maximum allowable size shall be six (6) square feet.
- b. Location - Only one (1) sign and it shall be freestanding, shall be located in the front of the principal structure/use.
- c. All requirements of the Sign Ordinance of the City of Bremen, Georgia, shall be met with the exception of the aforementioned items.

#### **Article VIII, General Provisions, Said Article as amended shall include:**

##### Section 813. Residential Living Only Permitted In Permanent Structures

No lot may be used for temporary or permanent residential living quarters unless a permanent dwelling unit has been lawfully erected on the lot, pursuant to the provisions of this Ordinance and applicable building and safety codes.

Tents, boats, RVs and others structures that are not permitted permanent dwelling units cannot be occupied either on a permanent or temporary basis on a residential lot, except that tents may be occupied for no more than three days in any two-month period when erected in the rear yard of a permanent dwelling unit.

#### **Article IX, Exceptions and Modifications, Said Article as amended shall include:**

##### Section 904. Temporary Buildings.

A temporary building or buildings or mobile home for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period and for no more then six (6) months. If the builder would like to request an extension of time, they would need to receive a permit of approval from the City Manager.

Amended this 11/21/2006

BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF BREMEN, GEORGIA .

COUNCILMEN:

\_\_\_\_\_  
SHARON SEWELL, Mayor

\_\_\_\_\_  
J. CHRISTOPHER COATS

\_\_\_\_\_  
W. STEPHEN McINTOSH

\_\_\_\_\_  
W. O. PARRISH

\_\_\_\_\_  
DANNY L. ROBINSON

Attested: \_\_\_\_\_  
BEVERLY CASH, City Clerk

## Amendment To The Zoning Ordinance Of The City Of Bremen

Be it resolved by the Mayor and City Council of the City of Bremen that the Zoning Ordinance adopted on 12-8-2003, as from time to time amended, and specifically:

### Article III, Definitions, Section 301, Said Section as amended shall read as follows:

#### Section 301. Definitions.

3. Accessory Structure. A structure on the same lot with, and of a size and nature customarily incidental and subordinate to, the principal structure. Types of accessory structures include, but are not limited to, the following:
  - Detached garage and/or carport
  - Storage buildings and/or barns
  - Free standing greenhouses
  - Swimming pools and pool houses
  - Tennis courts
  - Satellite dish antennas (subject to Federal Regulations)
  - Freestanding workshops
  - Gazebos
  - Radio and/or TV antenna structures not attached to the principal structure
  - Paved areas other than driveways and walkways
  - Property identification signs not associated with or attached to a mailbox
  - Perimeter fencing and/or walls (both of which may be located on the property line.
  - **Guest House**
4. Adult Establishment or Adult Entertainment Establishment. A facility or use authorized in specific Zoning Districts where adult entertainment activities may be conducted, while balancing the competing interests of reducing criminal activity and protecting neighborhoods. Adult establishments shall include the following:
  - a. Adult bookstore: An establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising ~~20 percent of its net sales~~ **five (5) percent or more of its total inventory** consisting of printed material which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
48. Guest House Facility. Living quarters situated within an attached or detached accessory building located on the same premises as the principal building. **A**

**detached guest house facility much be connected to the main house through some covered or uncovered walkway.** Such quarters shall be used only by bona fide nonpaying guests or relatives of the owners ~~or occupants~~ of the principal building and shall not be rented or otherwise occupied as a separate dwelling. In certain zoning districts, a guest house may be permitted as the principal building on a zoning lot, but on the same conditions as stated above.

**Article V, Use Provisions, Section 501, Said Section as amended shall read as follows:**

Section 501. Estate Residential (ER) District. The ER district is intended for low density residential purposes where agricultural type conditional uses would be expected. The regulations for this district are designed to encourage one-family dwellings situated on lots having an area of three (3) acres or more with provisions for limited agricultural activities.

In the ER district the following uses are permitted:

1. Single-family residential, except ~~mobile~~ **manufactured** homes and modular homes, with a minimum lot size of three (3) acres and yard, setback, dwelling size and height requirements specified in Article VI. A guest house facility as defined by the Zoning Ordinance is an allowable use in conjunction with the single-family residence.
2. All uses permitted in Section 500 for all residential districts.
3. **Noncommercial Horticultural or** Agricultural uses, including:
  - a. Field crops.
  - b. Livestock and riding stables **provided that:**
    - (1) **No poultry or livestock shall be maintained within 50 feet of the property line of any adjoining residential zoning lot, excluding lots that are zoned ER, Estate Residential.**
    - (2) **No building used for animals shall be constructed within 200 feet of any property line.**
    - (3) **At least one and a half acres of fenced area shall be provided for each animal, not including household pets, to be maintained on the zoning lot.**

**Article V, Use Provisions, Section 509, Said Section as amended shall read as follows:**

Section 509. ~~Specified Commercial, Office, Neighborhood District (R-5).~~ **Limited Commercial and Residential (LCR)** The ~~R-5 Specified Commercial, Office, Neighborhood District~~ **(LCR) Limited Commercial and Residential** includes specified commercial, office, and low density residential uses. These areas shall provide for permitted, but limited, commercial activities, provide for related services to business and professional offices, and provide for the protection of adjacent residential areas by maintaining compatible architectural styles.

In the R-5 district, the following specified uses are permitted:

1. Any use permitted in the R-12 District.
2. Book stores.
3. Stationery, card, and gift shops.
4. Jewelry shops.
5. Camera shops.
6. Flower shops.
7. Arts and crafts shops.
9. Wearing apparel shops.
9. Specialty service restaurants.
10. Other retail ~~areas~~ **uses** having a similar character to those uses listed in paragraphs 1 through 8 above, **as determined by the city manager or his designee.**
11. Offices providing professional services.
12. Public and private educational institutions offering ~~general~~ education courses.
13. Offices serving as support functions for business operations.
14. Churches.
- ~~15. Public buildings and facilities.~~
16. Residential Bed and Breakfast Facilities conforming to the following requirements:
  - a. There shall be no more than four (4) bedrooms per dwelling unit used for the Bed and Breakfast Operation.
  - b. Maximum number of paying guests per day is eight (8). No pets of the paying guests shall be permitted either inside or outside the premises.
  - c. Alcoholic beverages shall not be sold to any paying guest at the premises.
  - d. All Bed and Breakfast operations shall be subject to the hotel/motel tax of the City of Bremen, Georgia.
  - ~~e. The residential Bed and Breakfast shall be located on a lot which complies with the required minimum lot area for existing uses.~~

- f. The residential Bed and Breakfast shall conform to all codes and regulations of the City of Bremen, Carroll and/or Haralson County where applicable, and the State of Georgia.
- g. The resident owner(s) shall keep a current guest register including names, addresses and dates of occupancy of all guests.
- h. Only one (1) freestanding non-illuminated sign (6 square feet maximum) may be erected on the property.
- i. At least one (1) off-street parking space must be provided on the property for the owner(s) and each guest room. On-street parking is permitted only where otherwise permitted or authorized by City Ordinance.
- j. It shall be unlawful for any person to operate a Bed and Breakfast establishment without having first obtained a license from the City of Bremen, the cost of which shall be set by the Mayor and Mayor and City Council for the whole or any part of one (1) year.
  - (1) Applications for residential Bed and Breakfast shall be notarized and include the location and owner of the property, a site plan of the lot showing the proposed location of the residential bed and breakfast use and the location of the required off-street parking space, and a photograph of the current principal view or views of the structure where the proposed Bed and Breakfast use is to be located. The application shall also include a statement which the resident-owner must sign acknowledging that he or she has reviewed and understands the requirements of this section.
  - (2) Upon a change in ownership of a property and prior to issuance of a new business license to allow continuation of an existing permitted residential Bed and Breakfast use upon said property, the new property owner(s) shall be required to certify recompliance of the residential Bed and Breakfast use with the City Manager by having an application for the recertification of the Bed and Breakfast use notarized, filed with, and approved by the City Manager.

## 17. Event Facilities

### Additional Building/Structure Requirements:

- a. ~~Building/structure to be used as commercial establishments shall not exceed 3,000 square feet in gross floor area.~~ **There shall be a fifteen (15) foot side setback from the property line of any commercial use building that abuts against a single family or multifamily residential zoning district.**
- b. New construction or alteration of buildings/structures to be compatible with adjacent buildings and must have the approval of the Bremen Planning Commission .

#### Additional Parking Requirements:

All City of Bremen parking requirements now or hereafter enacted shall apply, plus, off-street parking shall be provided and shall only be located to the side or rear of the principal use/building.

#### Signs:

- a. Size - Maximum allowable size shall be six (6) square feet.
- b. Location - Only one (1) sign and it shall be freestanding, shall be located in the front of the principal structure/use.
- c. All requirements of the Sign Ordinance of the City of Bremen, Georgia, shall be met with the exception of the aforementioned items.

#### **Article V, Use Provisions, Section 512, Said Section as amended shall read as follows:**

Section 512. Central Business District (C-1). The Central Business District is intended for those commercial uses which require a central location and provide goods and services that are used by the entire community and surrounding area.

In the C-1 Central Business District, the following uses are permitted:

1. ~~Any use permitted in the Office Institutional (O-I), Hospital Service (HS), Specified Commercial (R-5), or Highway Service (C-2) Districts, and~~ residential land-uses as specified under Central City Residential.
2. Retail businesses **and pharmacies**.
3. Banks and other financial institutions.
4. Offices **and professional services**.
5. Restaurants
6. Motels and hotels.
7. Public buildings and land uses.
- ~~8. Gasoline stations.~~
9. Mortuaries, except crematories.
- ~~10. Newspaper and printing facilities.~~
11. Radio and television facilities.

12. Theaters and other places of entertainment and amusement enclosed in a building.
13. Parking lots and garages.
14. Transportation terminals for passengers.
15. Utility stations, if essential for provision of service to the zoning district, provided that:
  - a. Structures are enclosed by a woven wire fence at least eight feet high;
  - b. No vehicles or equipment are stored on the premises.
- ~~16. Research and testing facilities.~~
17. Lodges, fraternal and social organizations.
- ~~18. Motor vehicle repair and body shop facilities.~~
- ~~19. Laundry and dry cleaning facilities.~~
- ~~20. Outdoor advertising and business or institutional identification signs.~~
21. Churches.
22. Nursery schools, kindergartens, and day care facilities as defined and permitted in the (O-I) Office-Institutional District.
23. Central City Residential provided that:
  - a. The units are located within the Central Business District;
  - b. The units are located within an existing structure **or are located no lower than the second floor of any new structures**;
  - c. The dwelling unit shall have a minimum of 600 square feet of interior floor space;
  - ~~d. The development shall provide and maintain 10% of the gross building space as common space (either interior or exterior) per dwelling unit;~~
  - ~~e. The development does not alter the historical significant structural exterior of the building;~~
- 24. Art galleries, craft shops, florists, and specialty shops.**
- 25. Service facilities including photo processing, quick copy, mail and messenger service, travel agencies, and dry cleaners provided that no**

cleaning facilities will be located at the location located within this zoning district.

26. Music and dance schools and studios.
27. Interior Decorators.
28. Barber shops and beauty shops.
29. Locksmith or gunsmith provided no firing range is included.
30. Health spa, physical fitness and martial arts training facilities.
31. Medical offices and health clinics.

**Article V, Use Provisions, Section 513, Said Section as amended shall read as follows:**

Section 513. Neighborhood and Highway Service Business District (C-2). The C-2 Neighborhood and Highway Service Business District is established to provide locations for retail trade establishments which furnish convenience goods for surrounding residential areas and for business activities which primarily cater to the traveling public.

In the C-2 Neighborhood and Highway Service Business District, the following uses are permitted:

1. ~~Any use permitted in the C-1 district.~~
2. Sales and/or service facilities for new and used automobiles, trucks, mobile homes, boats, heavy construction and agricultural machinery, and service equipment provided that they are located on a major street.
3. Theaters and other places of entertainment enclosed in a building.
4. Drive-in theaters provided that the screen does not face on a street.
5. Motels.
6. Retail businesses and service stores, including convenience stores and gasoline and diesel fuel sales, ~~but not including motor vehicle repair businesses.~~
7. Nurseries providing lawn and garden supplies and plants, including retail sales.
8. Newspaper and printing facilities.
9. Restaurants, including fast-food, drive-in, and cafeteria establishments.

10. Temporary storage uses, permitted by the City Manager, not to exceed 30 days in duration within a six month period and with at least 90 days between periods of use.
11. Temporary sales/services, permitted by the City Manager, not to exceed 10 days in duration within a six month period and with at least 90 days between use periods.
12. Laundry, launderette, washeteria and dry cleaning facilities.
13. Parking lots and parking garages.
14. Automobile, truck, trailer, and equipment rental outlets.
15. Veterinary offices.
16. Mini-warehouses.
17. Adult Entertainment Establishments subject, however, to the requirements set forth in Section 301.4 and **Section 601 of the Zoning Ordinance of the City of Bremen.**
18. Recreational vehicle/travel trailer campgrounds, provided that the campground shall be developed in accordance with the provisions of the *City of Bremen Campground Standards Ordinance*.

**Article VIII, General Provisions, Section 807, Said Section as amended shall read as follows:**

Section 807. Erosion and Sedimentation Control. All developments within the City of Bremen, Georgia shall comply with current Erosion and Sedimentation Control regulations of Carroll County **or Harlason County**, Georgia, and with the rules and regulations of the Environmental Protection Division, Department of Natural Resources, State of Georgia.

**Article VIII, General Provisions, Section 810, Said Section as amended shall read as follows:**

Section 810. Buffer Zones. Where industrial **and commercial** districts are contiguous with residential districts, buffer zones are required in addition to normal side and rear yards. Where pre-existing industrial **or commercial** development is contiguous with proposed residential developments, and where no buffer in compliance with this ordinance is established on the industrial **or commercial** development where contiguous with the proposed residential district; then in such cases, the developer of the proposed residential district shall be required to establish a buffer zone between the proposed project and the pre-existing use where a buffer is required by this section. All such buffer zones shall be designated on each plat prior to final approval and shall be designated as a permanent Buffer Zone Easement. Buffer zones shall be furnished, improved and maintained by the developer and subsequent property owner as follows:

1. Buffer zones shall be provided as follows:

<u>Zoning</u>	<u>Adjacent To Single Family Residential</u>	<u>Adjacent To Multi-Family Mobile Home</u>	<u>Adjacent To Hospital Service Or Office-Inst</u>
M-2	50 feet	50 feet	50 feet
M-1	50 feet	50 feet	50 feet
<b>C-2</b>	<b>15 feet</b>	<b>15 feet</b>	-
<b>O-I</b>	<b>15 feet</b>	<b>15 feet</b>	-

For two-family developments (duplexes), townhouse developments, and multi-family developments (apartments) in excess of twelve units in R-1, R-2, R-3, and R-4 the buffer shall be fifty (50) feet where adjoining any single-family zoning district.

2. ~~Buffer Zones shall be left in their natural state unless otherwise approved by the Planning and Zoning Commission and not temporarily or permanently disturbed by grading, property improvements or construction activities.~~ Existing native vegetation shall be supplemented with additional plantings and/or with a wall, fence or berm as necessary to achieve an effective visual screen. Uncontrolled growth of Kudzu shall not be permitted in buffer zones. . **Buffers shall be of such nature and density so as to screen activities, structures and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.**
3. Buffer Zones shall be used only for a buffer and shall not be used for paving, parking, recreation areas, storm water retention ponds, or similar uses, except that a fence or wall may be constructed within the buffer zone. **If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance or existing vegetation and located as to provide an effective visual screen. Installed walls and fences shall be properly maintained by the developer and/or property owner.**
4. **Buffers in which vegetation is non-existent or inadequate to meet the screening requirements of this ordinance shall be planted with supplemental plantings so as to provide a year-round effective visual screen. Supplemental plantings and replantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of 6 feet in height at time of planting and shall be species which will achieve a height of at least 20 feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of 3 feet in height at time of planting and shall be a species which will achieve a height of at least 10 feet at maturity. All supplemental plantings shall be installed to allow for proper growth and maintenance.**
6. **During authorized land disturbing activities, buffers shall be clearly demarcated and protected prior to commencement of, and during, construction. The method of demarcation and protection utilized shall be in**

accordance with best management practices or as required by the department.

5. **Setbacks from the property line for districts that abut dissimilar districts shall be provided as follows:**

<u>Zoning</u>	<u>Adjacent To Single Family Residential</u>	<u>Adjacent To Multi-Family Mobile Home</u>	<u>Adjacent To Hospital Service Or Office-Inst</u>
<b>C-2</b>	<b>25 feet</b>	<b>25 feet</b>	-
<b>O-I</b>	<b>20 feet</b>	<b>20 feet</b>	-
<b>LCR</b>	<b>15 feet</b>	<b>15 feet</b>	-

**Article XII, Planned Unit Developments, Section 1201, Said Section as amended shall read as follows:**

Section 1201. Types of Planned Unit Developments. The following types of Planned Unit Developments are authorized by this Ordinance. ~~Minimum sizes are as follows.~~

<u>TYPE OF DEVELOPMENT</u>	<u>MINIMUM ACREAGE</u>
1. Planned Residential Developments	<del>5</del>
2. Planned Commercial Centers	<del>2</del>
3. Planned Industrial Parks	<del>5</del>
4. Planned Office-Institutional Parks	<del>2</del>
5. Planned Townhouse Developments	<del>1.5</del>
6. Planned Mixed Use Development (Combinations of Residential, Commercial, Office-Institutional, Townhouse or Industrial uses)	<del>5</del>

**Article XV, Board of Development Appeals, Section 1500, Said Section as amended shall read as follows:**

Section 1500. Establishment of Board of Development Appeals. There is hereby created a Board whose title shall be "The Bremen Board of Development Appeals" (hereinafter "Board").

4. The Board shall be a part of the planning functions of the City of Bremen and shall hear and decide appeals to the following Ordinances and/or Codes:
  - a. Zoning Ordinance
  - b. Sign Ordinance

- c. Subdivision Ordinance
  - d. Soil and Sedimentation Control Ordinance
  - e. Flood Damage Prevention Ordinance
  - f. Standard Unsafe Building Abatement Code
  - g. Standard Building Code (and its associated Codes)
2. The Board shall consist of ~~five (5)~~ **three (3)** members, appointed by the Mayor and City Council and shall serve at the pleasure of the Council. All members shall be residents of the City of Bremen, Georgia, and shall be persons who have demonstrated special interest, experience or education in development activities.
  3. Members shall serve three-year terms. Members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be one (1) member for one (1) year; ~~two (2)~~ **one (1)** members for two (2) years; and ~~two (2)~~ **one (1)** members for three (3) years. All subsequent appointments shall be for terms of three (3) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
  4. No member of the Board shall hold any other public office. Members shall not receive compensation other than for actual expenses.
  5. The Board shall elect one of its members as Chairman and a second member as Vice-Chairman. The Chairman and Vice-Chairman shall serve for a one (1) year term or until re-elected or their successors are elected. The Board's Secretary shall be an employee of the City.

**Article XV, Board of Development Appeals, Section 1501, Said Section as amended shall read as follows:**

Section 1501. Procedures of the Board of Development Appeals. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

1. The Board shall fix a reasonable time for a hearing of an appeal or other matters referred to it, and give at least fifteen (15) days notice of the time, place, and issue to be decided, published in a newspaper of general circulation in the City. Adjacent property owners shall be given notice by first-class mail at their last known address as shown on the records of the Carroll or Haralson County Tax Commissioner and said notice shall be deemed sufficient when deposited in the U.S. Post Office with sufficient postage thereon to insure delivery.
2. Said issue to be decided within a reasonable time by a majority vote. At all meetings of the Board, a quorum of ~~three~~ **two** members shall be present (the Presiding Officer shall be entitled to a vote on all issues) and Robert's Rules of Order shall apply.

3. Transcripts, if desired, shall be the responsibility of the affected party.
4. Any party with business before the Board may appear in person or by agent or by attorney.
5. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the Office of the City Clerk and shall be public record.

**Article XV, Board of Development Appeals, Section 1502, Said Section as amended shall read as follows:**

Section 1502. Powers of the Board of Development Appeals. The Board of Development Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the City in the enforcement of these ordinances or codes.
5. To hear and decide special exceptions to the terms of these ordinances or codes upon which the Board is required to pass.
6. To authorize upon appeal in specific cases such variance from the terms of this ~~subdivision~~ **zoning** regulation as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

**Such variance may be granted in such individual case of unnecessary hardship upon finding by the Board of Development Appeals that condition “e” and one additional condition is applicable:**

- f. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;**
- g. **The application of the subdivision regulation to this particular piece of property would create an unnecessary hardship;**
- h. **Such conditions are peculiar to the particular piece of property involved;**
- i. **Such conditions are not a result of any action of the property owner;**
- j. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this regulation.**

4. In exercising the above powers the Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as the Board deems proper, and to that end shall have the powers of the officer from whom the appeal is taken.

Amended this 7/9/2007

BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF BREMEN, GEORGIA .

COUNCILMEN:

\_\_\_\_\_  
SHARON SEWELL, Mayor

\_\_\_\_\_  
J. CHRISTOPHER COATS

\_\_\_\_\_  
W. STEPHEN McINTOSH

\_\_\_\_\_  
W. O. PARRISH

\_\_\_\_\_  
DANNY L. ROBINSON

Attested: \_\_\_\_\_  
BEVERLY CASH, City Clerk

## Amendment To The Zoning Ordinance Of The City Of Bremen

Be it resolved by the Mayor and City Council of the City of Bremen that the Zoning Ordinance adopted on 12-8-2003, as from time to time amended, and specifically:

### Article V, Use Provisions, Section 500, Said Section as amended shall read as follows:

Section 500. All Residential Districts. The following uses are permitted in all Residential Districts:

1. Single-family residences, except ~~mobile~~ **manufactured** homes and modular homes.
2. Customary accessory buildings and uses, **so that the combined total of all accessory structures does not exceed the size of the principal building**, including:
  - a. Private **detached** parking garages, storage buildings, and workshops.
    - (1) **For lots less than one and a half (1.5) acres, a maximum of two per lot. Each can have a maximum size of 500 square feet or 2% of the total size of the lot, whichever is greater. The total size of the two units combined can be no greater than 750 square feet or 3% of the total size of the lot, whichever is greater.**
    - (2) **For lots less than three (3) acres and greater than one and a half (1.5) acres, a maximum of three per lot. Each building can have a maximum size of 500 square feet or 2% of the total size of the lot, whichever is greater. The total size of the three units combined can be no greater than 3% of the total size of the lot.**
    - (3) **For lots greater than three (3) acres, a maximum of four per lot. Each can have a maximum size of 500 square feet or 2% of the total size of the lot, whichever is greater. The total size of the four units combined can be no greater than 3% of the total size of the lot.**
  - b. Private swimming pools and associated bath houses and pump houses.
  - c. The storage of a total of not more than two of the following in side or rear yards only:
    - (1) Pleasure boats
    - (2) Unoccupied camper trailers
    - (3) Motor homes
    - (4) Recreational Vehicles
    - (5) Or other auxiliary vehicles, towed vehicles or trailers of similar size and potential to obstruct views or be detrimental to the environment.

- e. Fences and walls in side and rear yards and ornamental fences in front yards.
- f. **Guest House, a maximum of one per lot, provided that the principal building is occupied by an owner. Can be a maximum of 500 square feet or 2% of the total size of the lot, whichever is greater.**

Amended this 8/13/2007

BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF BREMEN, GEORGIA .

COUNCILMEN:

\_\_\_\_\_  
SHARON SEWELL, Mayor

\_\_\_\_\_  
J. CHRISTOPHER COATS

\_\_\_\_\_  
W. STEPHEN McINTOSH

\_\_\_\_\_  
W. O. PARRISH

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DANNY L. ROBINSON

Attested: \_\_\_\_\_  
BEVERLY CASH, City Clerk